

Sustaining Juvenile Justice System Reform

A Report to the Louisiana
Juvenile Justice Implementation Commission

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INTRODUCTION

Like other states across the country, Louisiana has faced significant challenges within its juvenile justice system. Following a 1995 report from the nonprofit group Human Rights Watch that documented unsafe conditions of confinement in Louisiana's juvenile placement (corrections) facilities, the U.S. Department of Justice (DOJ), the firm of Nordyke and Denlinger, and a local advocacy group, the Juvenile Justice Project of Louisiana (JJPL), filed a joint lawsuit against the state in 1998.¹ The lawsuit charged the state's Office of Youth Development (OYD), the agency that was then charged with oversight of the juvenile justice system and was part of the larger Louisiana Department of Public Safety and Corrections (DPSC), with chronically abusing and mistreating youth committed to its facilities.² At the time, Louisiana had approximately 1,600 youth in secure custody — one of the highest rates of incarceration in the country.³

The DOJ lawsuit and subsequent settlement agreement in Federal Court in 2000 began a wave of changes shifting Louisiana from an adult corrections-focused model of juvenile justice to one that emphasizes community-based treatment and rehabilitation. As part of the settlement agreement, the Louisiana State University Health Sciences Center (LSUHSC) assumed all medical, dental and mental health care within the facilities in order to provide best practice services to incarcerated youth. In 2003, the State Legislature passed *Act 1225*, which recommended the planning and coordination structures needed to facilitate system reform and created the Juvenile Justice Reform Act Implementation Commission (JJIC) to oversee this work.⁴ Recognizing the fundamental differences between young people and adults, OYD was officially separated from the larger Department of Public Safety and Corrections' services (DPSC) in 2004.⁵ And in 2005, Louisiana was selected by the MacArthur Foundation as the third state to participate in the *Models for Change (MfC) Systems Reform in Juvenile Justice* initiative, which aims to accelerate the pace of juvenile justice reform in targeted states and help them become successful models of policy and practice that can be emulated elsewhere.⁶ The Louisiana Board of Regents, in partnership with the LSUHSC's Institute for Public Health and Justice (IPHJ), was asked to spearhead this effort — as the official Louisiana Models for Change lead entity — on behalf of the MacArthur Foundation.

¹ Human Rights Watch Children's Rights Project. *Children in Confinement in Louisiana*, October 1995, Available online at: <http://www.hrw.org/reports/pdfs/c/crd/us95o.pdf>. See also Gregg Halemba, Gene Siegel, Charles Puzanchera, and Patrick Griffin. *Louisiana Models for Change: Background Summary*, National Center for Juvenile Justice (2006: 2); The original/amended complaints are available at: <http://www.usdoj.gov/crt/split/findsettle.htm#Complaints>.

² At the time the lawsuit was filed and until 2004, there was no separate juvenile corrections agency in Louisiana. The state's youth corrections facilities were managed within the state adult corrections system.

³ Annie E. Casey Foundation, 1994 Data Book on Louisiana's Children (1994).

⁴ Act 1225, Chapter 59, §2751

⁵ G. Halemba et al, 2.

⁶ See Models for Change website, Available online at: <http://www.modelsforchange.net/about/States-for-change/Louisiana.html>

These efforts helped to position juvenile justice reform as a priority in the state. In spite of the significant fiscal constraints and operational challenges posed by Hurricanes Katrina and Rita in 2005, local and state leaders have remained committed to reducing Louisiana's reliance on institutional custody and care and revamping its approach to working with youth at-risk of entering, or already in, the juvenile justice system. For example, the state has enacted far-reaching standards and regulations to ensure that all youth placed in a temporary detention facility, largely designed for use prior to a court disposition (sentence), are treated fairly and respectfully; and has implemented, in all localities, an evidence-based risk and needs assessment tool to inform and guide decisions about the level of supervision and types of services a youth needs as part of his/her disposition following adjudication (after a youth is found guilty of committing a crime).

While these, and the remaining efforts outlined further in this report, are important and represent promising steps forward, the juvenile justice reform movement in Louisiana still demands a significant amount of work. Now is the time for the state to remain vigilant in ensuring that the reform momentum continues, practitioners and policy makers not become complacent about the state of the juvenile justice system, the reform process is institutionalized within Louisiana, and the efforts to date be seen as the beginning, rather than the end.

There are still many challenges that the system faces and many areas of need. For example, on average, each day upwards of 100 youth who have not been charged with a criminal act, but who have been brought into the juvenile justice system for committing status offenses, such as truancy or running away, are under state custody in a facility away from their families and homes when they could be better served through community-based alternative options. These young people have historically remained in these facilities for long lengths of time, longer, on average, than youth sentenced for delinquency offenses. In addition to these types of ongoing challenges, questions are now emerging about how Louisiana will sustain — and build upon — the positive reform efforts that have occurred to date, particularly as the Louisiana *Models for Change* initiative (which provided \$11 million in grant funding and consultants to Louisiana) comes to a close in 2013, many reform efforts statewide remain a work-in-progress, and those that have been successful need to be replicated.

To guide the state's future work, the Louisiana Legislature passed House Concurrent Resolution No. 120 in June 2011.⁷ This resolution commissioned the state's Juvenile Justice Reform Act Implementation Commission (JJIC) to submit a report to the legislature in January 2013 that would assess the current state of the juvenile justice system, evaluate improvements made over the preceding five years, and issue recommendations for a five-year plan for reform. To meet this mandate, the JJIC subsequently requested that LSUHSC's IPHJ, the home for the

⁷ House Concurrent Resolution 120

Louisiana Models for Change effort, manage, initiate and develop the report on behalf of the JJIC, with support from national experts within the MacArthur Models for Change National Resources Bank (NRB).⁸

In the fall of 2011, IPHJ with a grant from the MacArthur Foundation then reached out to two NRB members, the Vera Institute of Justice's Center on Youth Justice (CYJ) and the National Center for Juvenile Justice (NCJJ), for assistance in developing this report. To create a proposed roadmap for reform that was clear and viable, IPHJ sought input and guidance from JJIC members and staff, and state and local juvenile justice leaders and administrators in identifying some of the most pressing needs within Louisiana. Based on that input, it was agreed that this report would focus on juvenile justice youth (rather than the broader population of at-risk youth). More specifically, it was agreed that the report would focus on four critical areas that have received attention over the past five years (2007 to 2011) and that represent where the youth and families are in the system, highlighting recent reform efforts, as well as outlining areas of need and related recommendations. These areas include:

- Key Decision-Making Points within the Juvenile Justice System, with a focus on:
 - *Families in Need of Services (Informal FINS)*: refers to local responses to status offenders — children who are not committing crimes, but are chronically misbehaving, such as missing school, running away, or acting out to such a degree that their parents cannot control them — outside of the courts and formal justice system.
 - *Detention*: refers to the practice (analogous to jail in the adult context) of holding youth temporarily in a locally-operated secure facility, pending a court hearing or briefly after receiving, or as part of, the court's disposition (sentence).
 - *Probation and post-dispositional placement*: refers to the legal status of being supervised in the community or committed (under state custody) to a non-secure or secure facility after receiving a disposition from the court.
- Assessments and Services
 - Examines Louisiana's efforts locally and statewide to be more informed about a youth's risk level and needs in designing appropriate services and supervision, including the implementation of standardized tools and practices, as well as the development of interventions and programs for system-involved youth by both government entities and local providers.

⁸ The Institute for Public Health and Justice was created in 2011 as a response to the state's need for an ongoing and sustainable resource for juvenile justice reform. The Institute was charged with leading the Louisiana Models for Change grant efforts. The request from the JJIC to manage the study, as well as initiate and develop the report was included in a letter from the commission to Debra DePrato MD, IPHJ Director, July 27, 2011.

- Availability and Use of Data
 - Looks at the ways in which Louisiana currently and could in the future collect, analyze, and use data to drive policies, inform planning, and determine outcomes at the local and state level.
- Act 1225
 - Provides a retrospective look at the Act: what was recommended, what was enacted, and what has yet to be done.

With funding for the study limited to the grant funding support provided by the MacArthur Foundation to IPHJ, Vera and NCJJ, the following scope of work was undertaken:

- Reviewed numerous existing reports and public documents to further understand ongoing work in Louisiana;
- Conducted an extensive review of national research and literature in order to provide a clear and comprehensive understanding of key principles guiding best practice at particular system points;
- Interviewed 44 state, local, and national officials, practitioners, and policymakers representing a broad range of juvenile justice system players, including, but certainly not limited to, key stakeholders from the Office of Juvenile Justice (OJJ) and the University of New Orleans (UNO), all of whom have intimate and in-depth knowledge of the Louisiana's system, resources, and history; and
- Gathered, analyzed, and summarized readily available data on youth at different system points.

In addition, separate from the report development process, the IPHJ was funded to convene three consensus meetings across the state in September 2012 to share preliminary findings and proposed recommendations with key juvenile justice administrators and leaders. These meetings provided a forum for juvenile justice leadership to discuss the recommendations and begin to come to agreement on the key areas that they can jointly and collaboratively prioritize and address going forward. (See Appendix F for the Consensus Report by IPHJ which contains summary of the meetings and the key areas of consensus.)

This information has helped to paint a picture of how the state's juvenile justice system has been operating recently, with a particular focus on the last five years, and reflect on what has been going well, as well as identify areas for further reform. As such, the recommendations and strategies included here, which are drawn from stakeholder interviews, public reports and documents, national best practice, and readily available data, provide concrete steps for addressing some of the remaining gaps and issues within Louisiana's juvenile justice system and implementing meaningful change, while acknowledging the state's economic, political, and legal realities.

This report begins by providing a brief timeline of the state’s reform work prior to 2007, followed by a discussion of principles that have generally underpinned the reform efforts and recommendations. The remainder of the document presents an in-depth review of the findings and recommendations in five parts, beginning with overarching recommendations that pertain to every aspect of the state’s juvenile justice system, then moving to a discussion of the four areas mentioned previously — key system points, focusing on FINS, detention, and probation/post-dispositional placement; assessments and services; the availability and use of data; and a retrospective look at Act 1225. For each of the system points analyzed, upon request of the JJIC, the report includes — when available data allow — a detailed look at where the youth are (e.g., how many youth are present in that particular system point).

It is important to note here that this report does not represent a comprehensive or exhaustive review of the juvenile justice system as a whole in Louisiana. Rather, it attempts to distill and highlight — relying on readily available data and information only — key findings and recommendations in the targeted areas of focus, knowing that, with more time and with more resources, the state may choose to delve even deeper into any one of these areas (for example, looking carefully at the quality of services offered in and out of facilities) or, conversely, examine an area that fell outside the scope of this report (for example, arrest, defense, or prosecutorial practices). In addition, the authors of the report turned to the people who actively run the system for their insight into what has been working and what needs to change. We encourage legislators and other policy makers to share the findings and recommendations contained herein with a broader array of stakeholders, including advocates, community-based service providers, and youth and families in an effort to also gather their insight and feedback.

BACKGROUND: HISTORICAL CONTEXT AND GUIDING PRINCIPLES OF REFORM

Consistent with national trends, Louisiana’s juvenile justice system of the 1990s was largely modeled on the adult criminal justice system, with a strong emphasis on custody and control. Following the DOJ lawsuit in 1998, the state began to reexamine its juvenile justice policies and practices. This section provides a timeline for key events that took place prior to 2007, which subsequently helped to shape and lay the groundwork for many of the reform efforts described later in this report.

- **1998:** DOJ, Nordyke and Denlinger, and JJPL filed a joint lawsuit against the state in 1998, charging OYD with chronically abusing and mistreating its incarcerated juvenile population. In 2000, the DOJ, both groups of private plaintiffs, and the State of Louisiana entered into a settlement agreement, which was subsequently amended in 2003 and 2004.⁹
- **2000:** Juvenile Justice Program at LSUHSC was created to provide all health, dental care, and mental health care to incarcerated juveniles per the Settlement agreement.
- **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.”¹⁰ 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 — JJC’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.¹¹
- **2003:** The State Legislature passed legislation (*Act 1225*), which recommended a framework for transforming Louisiana’s juvenile justice system in line with many of the recommendations contained in the Casey and JJC/Advisory Board reports, including the closure of the OYD secure facility in Tallulah, development of a periodic review process for youth in OYD custody, and development of the Louisiana Children, Youth and

⁹ G. Halemba et al. *Louisiana Models for Change: Background Summary*, National Center for Juvenile Justice (2006: 2)

¹⁰ 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/>).

¹¹ Casey Strategic Consulting Group, *Reducing Juvenile Incarceration in Louisiana*, February 2003.

Families Investment Fund.¹² Act 1225 also created the Juvenile Justice Reform Act Implementation Commission (JJIC), which is responsible for implementation of the recommendations contained in the Act. Additional information about Act 1225 is contained in the final section of this report, with a particular focus on which components of the Act were enacted and which were not.

- **2004:** The State Legislature passed Act 7, which officially separated Youth Services, Office of Youth Development from Correctional Services,¹³ and Act 555, which mandated (unfunded) the establishment of Children and Youth Planning Boards in each judicial district and asked the JJIC to oversee these boards.¹⁴
- **2005:** Following Hurricanes Katrina and Rita, OYD (renamed and reorganized just three years later, in 2008, into the Office of Juvenile Justice, or OJJ) released its Youth Services Strategic Plan 2006-2011.¹⁵ Drawing on best practices and the support of national reform partners, including the Missouri Youth Services Institute, the Annie E. Casey Foundation, and LSUHSC's Juvenile Justice Program, the strategic plan emphasized 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. Additionally, it included performance measures and outlined a timeline for achieving these goals.
- **2005:** The MacArthur Foundation selected Louisiana as the third state to participate in its national Models for Change Initiative, a five year, 10 million dollar investment in Louisiana. Work began in 2006 with the first grant to the Louisiana Board of Regents as the Lead Entity with LSUHSC as the Project Director for the Louisiana arm of the Initiative (referred to as Louisiana Models for Change in the remainder of this report).
- **2006:** OYD was found in full compliance with the settlement agreement reached with DOJ in 2000 and released from federal oversight.¹⁶ In addition, with support from the Annie E. Casey Foundation, the agency began the full-scale implementation of the Louisiana Model in its secure facilities, which drew on the Missouri Model, a nationally-acclaimed model of residential care centered on providing therapeutic treatment in small, home-like environments. (For more information, please see the section on Placement.)

¹² Act 1225, Chapter 7, Part IV-B and Title 46, Chapter 45, Part III.

¹³ Act 7

¹⁴ Act 555 §1941.2

¹⁵ State Of Louisiana Office Of Youth Development, Youth Services Strategic Plan 2006-2011

¹⁶ State of Louisiana, Office of Juvenile Justice, Strategic Plan, 2010-2013, 4.

- **2006:** Following two years of preparation and groundwork, Louisiana kicked off its participation in the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative. (For more on this area, see the section on Detention.)
- **2007:** The Louisiana State Legislature enacted the Louisiana Public Defender Act (Act 307) designed to reform and restructure the state’s indigent defense system. As part of this landmark legislation, key juvenile defense positions were established, most notably the position of director of Juvenile Defender Services. This Act, accompanied by leadership at the Office of the Public Defender and the Louisiana Public Defender Board, opened the door to develop opportunities to strengthen and enhance juvenile defense practice and policy across the state.

Principles of Reform

As state and local officials in Louisiana work to adopt and sustain promising practices aimed at improving the local juvenile justice system, their efforts have started to align and reflect the below core principles. These six key principles serve as the foundation for the recommendations discussed throughout this report and are grounded in decades of research and practice.¹⁷

- **Fundamental fairness:** The system promotes fair and unbiased treatment for all participants in the system, including youth, families, and victims. Specifically, systems will aim to ensure decision-making is free of bias, develop procedures that give accused youth a fair chance to be heard, and include and respect the concerns of victims, families, and others who have a valid stake in the resolution of a case.
- **Recognition of juvenile and adult differences:** It is critical for juvenile justice systems to recognize the fundamental developmental differences between young people and adults. By resisting calls to criminalize delinquent acts and viewing all youth as capable of benefiting from rehabilitation and treatment, juvenile justice systems should remain committed to individualized and developmentally appropriate handling of youth.
- **Recognition of individual differences:** A model system identifies pertinent individual differences — including differences in development, culture, gender, needs and strengths — and takes them into account in decision-making. Specifically, these distinctions are reflected in how youth are assessed and what programs and services are developed in response to the needs it identifies.
- **Recognition of youth’s potential:** The system recognizes that all youth are capable of change and growth and works to help young people realize their full potential. Instead

¹⁷ These principles are at the heart of the Models for Change initiative which were adopted by Louisiana Models for Change. See MacArthur Foundation, Models for Change website at <http://www.modelsforchange.net/about/Background-and-principles/Principles.html>

of focusing primarily on sanctioning juveniles for past offenses, it seeks to provide them with the structure and tangible help they need to become law-abiding and productive in the future.

- **Safety:** A model system protects the community as well as protects youth from themselves and others. In the short term, it continuously assesses the risks that youth under its supervision pose to the public and to themselves, and takes steps to manage those risks effectively. But in the long term, it can only protect by doing the rest of its job well — identifying and responding to youth needs, building on youth potential, and fostering accountability. When youth are provided with the services they need, everyone benefits.
- **Responsibility:** A model system fosters a culture of responsibility. First, it insists that young people accept responsibility for their actions — and take active measures to repair any harm they may have done to others. The system also invites and expects adults to accept responsibility by building and broadening partnerships with the families and local communities of the youth it serves. Finally, a model system accepts responsibility for its own performance, actively tracking and monitoring its record of successes and failures and responding appropriately as a system.

PART I: OVERARCHING RECOMMENDATIONS

Over the last decade, Louisiana has made important strides in transforming its juvenile justice system. The three overarching recommendations and related strategies presented here provide a foundation for continuing this momentum and propelling reform well into the future. Unlike the recommendations in subsequent chapters, which pertain to specific aspects of Louisiana’s juvenile justice system, the recommendations here pertain to *every* aspect of the system and are integral to all of those that follow.

Area of Need: Limited funding may impede future efforts to implement and sustain promising practices, programs, and policies within the different agencies that may impact juvenile justice reform.

Recommendation 1: The state should maintain adequate funding to support and sustain ongoing reform across the different entities that both govern and feed into the juvenile justice system.

Since 1999 and in more recent years, Louisiana has taken on numerous reform efforts at various points within the juvenile justice system, which are described throughout this report. In many cases, these reforms have helped to fundamentally reshape how Louisiana views and treats young people entering the system. Although some of these efforts have been funded by the state or local parishes (e.g. facility-based reforms for the resolution of the DOJ settlement agreement and some community programs), the funding for many key community based reforms has been jumpstarted with the support of external sources in the past six years. These include the MacArthur Foundation’s Models for Change Initiative, which is scheduled to wrap up in the coming year, and the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative. Drawing both on this network of grants and devising innovative strategies to reallocate limited resources, some juvenile justice organizations have managed to make progress in numerous areas, in spite of substantial budget reductions at both the state and local levels. As noted during the regional consensus meetings, it will be critical for the state and localities to commit and maintain appropriate levels of funding for current and future reform efforts and promote collaboration to institutionalize this work over the long term. This funding should not be limited to just those agencies that directly govern and administer juvenile justice, but should also support reform, and particularly juvenile justice diversionary efforts, within those entities that may “feed” youth into the system, such as mental health and child welfare.

As part of this recommendation, the state should reinvest cost savings from decreases in placement statewide to support facility reforms and community-based alternative programs and services. As the number of youth being committed to state placement facilities has declined (For more information, see the Placement section of this report), Louisiana has closed

or downsized facilities. Given the costs of operating the remaining facilities, which are aging and have significant capacity, these closures could represent significant cost savings to the state. As Louisiana explores ways to fund its new vision of juvenile justice, these savings — and any additional savings that may arise — should be reallocated to support facility reforms and community-based alternative programs and services that are proven to be effective in reducing rates of reoffending and keeping youth from cycling back through the system (For more information, see Part III: Assessment and Services section of this report). Such investments would help provide youth in facilities with the supports needed to thrive upon release, as well as prevent youth from under-resourced communities from ending up in facilities because they do not have access to the youth development programs and specialized services available elsewhere. Additionally, this funding could promote collaboration and partnerships with schools and the new Louisiana Behavioral Health Partnership (further described in Part III: Assessments and Services) that aim to keep youth out of the juvenile justice system at every opportunity.

Area of Need: Pockets of reform exist in different regions across the state, but many innovative ideas have not been brought to scale; a centralized infrastructure is needed to ensure that reforms continue and expand.

Recommendation 2: State, local, and legislative leaders should establish the infrastructure needed to support ongoing reform in Louisiana. This infrastructure should be designed to help support the replication of successful local models, provide technical assistance to local and state practitioners and policy-makers, disseminate information about best practices, and promote data sharing...

Across the state, different parishes have worked diligently to revamp their approach to serving system-involved youth. To date, however, information about how specific local reforms work in practice and what the results have been has not always led to a concerted effort to replicate these models throughout Louisiana. The IPHJ was created to fill this void, providing a resource for best practices, data sharing, and replication of proven models. Over the past five years, these efforts have been successful and these experiences should be leveraged to promote future reform. As Louisiana continues on its reform path, the state should designate, fund, and support an infrastructure — via an external resource — that can (1) widely disseminate information about promising local models (examples of which are offered throughout this report) and national best practices, 2) provide technical assistance to ensure that reforms are appropriately implemented, replicated, and sustained over the long term, and (3) promote data sharing. All with the goal of ensuring that young people have access to an efficient and effective juvenile justice system.

This entity could also regularly convene stakeholders across the system — including judges, attorneys, state and local officials, and community-based organizations — to discuss critical

areas of need statewide and coordinate a cohesive and collaborative approach. In thinking about what entity could play this role going forward, the JJIC may want to continue to rely on IPHJ, which has served this role under Louisiana Models for Change since 2006. Most recently, IPHJ brought together numerous juvenile justice leaders through the consensus meetings, helping to provide an important forum for discussing the topics covered in this report.

Area of Need: Without a strong focus on accountability and transparency, the reforms outlined here and underway in other areas of the system may not come to fruition.

Recommendation 3: The JJIC should urge the implementation of the recommendations in this report, monitor that implementation process along with any reforms that fall outside the scope of this document, and provide annual reports on the status of juvenile justice reform statewide.

The recommendations in this report and the summary of the consensus meetings, taken together, offer a clear and detailed roadmap for helping the state continue its good work well into the future. Ultimately, however, the recommendations outlined here will mean nothing unless they are monitored and fully implemented to assure they achieve their intended goals. The state's existing JJIC, which was created by the Louisiana Legislature as part of Act 1225 and discussed in Part V of this report, would be well-suited to take on this role. As part of this work, the JJIC should hold the agencies and entities tasked with specific recommendations accountable by requesting regular, public updates about the status of their implementation efforts. In addition, the JJIC should issue an annual report that helps keep the legislature and the general public informed of juvenile justice reform efforts in the state — efforts that include, but extend beyond, the scope of this report. The external entity designated as part of Recommendation 2 can and should help in this monitoring and reporting process.

PART II: A FOCUS ON THREE DECISION-MAKING POINTS IN THE JUVENILE JUSTICE SYSTEM

This section of the report takes a close look at three important parts of Louisiana’s juvenile justice system — the “informal” (pre-judicial) response to alleged status offenders and their families (known in Louisiana as Families in Need of Services); detention; and post-dispositional probation and placement. Within each of these areas, the report:

- Provides national context by outlining best practices and reform trends;
- Offers local context by defining the current legal parameters and the related governance and fiscal structures of each system point (For more information, see Appendix B: Glossary of Terms and Juvenile Justice System Flow Charts);
- Shares available data;
- Highlights key reform efforts that have occurred over the last five years (2007-2011); and
- Presents key areas of need and related recommendations for ongoing reform.

Point 1: Families in Need of Services (Informal FINS)

National Context: Principles of Model Status Offender Systems

Jurisdictions across the country have long wrestled with the question of how to address the challenge of “status offenders.” These are children who are not committing crimes, but are chronically misbehaving: missing school, running away, abusing alcohol, or simply acting out to such a degree that their parents cannot control them. The term “status offender” often refers more broadly to both the children and their families who are in crisis and need help. Many young people, who commit status offenses, and their families, experience their first contact with the juvenile justice system as a result of these acts.

Although the issue of how to address status offenders is both complex and challenging, there are a growing number of status offender system success stories around the nation. Several jurisdictions have shifted the local political and structural paradigm away from court involvement and punitive reactions to these young people and toward more effective, family-focused responses outside of the court room and in the community. Indeed, model status offender systems have implemented innovations that have proven effective at reducing formal court caseloads, lowering government costs, and, most importantly, providing meaningful and lasting support to children and families. Below is a brief summary of the common and essential elements of these success stories.

Make Court the Last Resort

Historically, jurisdictions have used family or juvenile court to compel status offenders to change their behavior, with court often being the initial point of entry — or gatekeeper — for these cases. More and more, it is becoming clear that using court to respond to families in crisis not only overwhelms courts, but also is often unsuccessful. Courts simply do not have the resources or background to provide the kind of immediate, tailored response that these families need. For that reason, several jurisdictions have turned the traditional model on its head, keeping status offense cases out of court as much as, and for as long as, possible. Great success has been achieved when jurisdictions have eliminated the judicial gate-keeping role, finding alternative points of entry for these youth, such as social service or non-profit agencies. For example, when a school or parent seeks help with an uncontrollable adolescent, they are not steered to court, but, instead, to a provider that can immediately assess the young person’s needs and get them help outside of the formal juvenile justice system.¹⁸

Provide Immediate Crisis Response and Short-Term Interventions

As described above, courts are generally not equipped to respond to crises quickly. For many families who are at the end of their ropes, what they need most is immediate help. They need a trained service provider who can talk to them, or meet with them, preferably in their own home, and help to de-escalate the crisis situation. Successful status offender models around the country recognize that youth who engage in status offense behaviors come from a variety of backgrounds and are influenced by a wide array of contextual factors. These contextual factors may include childhood trauma, or unmet or unidentified mental health issues, substance abuse, or education needs. However, the vast majority of status offending youth are simply going through “normal” developmental immaturity and/or brief crises at home or school.

What is needed in these cases is, at most, brief intervention and time-limited (ideally, no longer than 90 days) support from an informal, voluntary system. Sometimes, all a family needs is a cool-down period or a “time out” — perhaps including a “respite” option for a child to spend a few nights outside of the home — during which time counselors and service providers provide brief family therapy to reunify and develop strategies to address their challenges going forward. Other times, a family needs to be referred to services in the community that can treat them or assist them with their struggles. Either way, waiting days, weeks, or months for a response will often allow crises to escalate. One of the most essential components of successful status

¹⁸ In Florida, for example, when a FINS referral is made—no matter who submits or receives the referral—it is steered immediately to a non-profit organization called The Florida Network of Youth & Family Services. The “Network” operates somewhat like a hospital emergency room—first conducting a form of “triage,” screening and assessing the family, and providing the option of a “respite” stay for youth if the family is in immediate crisis and needs a “time out.” Families who do not need respite are assigned a case manager, who creates a service plan for the family. If the service plan fails, the case is sent to a case staffing committee, which explores untried services and possible amendments to the service plan. Only after all other reasonable options are exhausted can the case be referred to court as a formal status offense case.

offense reform is the implementation of an immediate response mechanism that can help the entire family by stemming the possibility of unaddressed problems increasing; needs remaining unmet simply due to a lack of knowledge or access to resources; or families — out of desperation — calling for police assistance in noncriminal matters.

Provide Services that are Tailored, Family-Focused, Community-Based, and Evidence-Based
It is widely recognized that what status offenders and their families need are support and services, but, in order to be successful, these services should have certain central characteristics. Four of the most important of those characteristics are that the services be (1) tailored (focusing the most resources on the highest need cases); (2) family-focused; (3) community-based; and (4) evidence-based.

Tailored. Every child and family has a unique set of needs. For that reason, once a family is immediately responded to, they need to be steered into the services that can best meet their individual challenges. A crucial piece of providing well-tailored services is high-quality screening and assessment. In order to efficiently triage cases (allocating the greatest resources into those cases that exhibit the highest levels of both risk and needs), it is important to employ a validated screening or assessment instrument to make accurate determinations about what particular services are needed and will be most effective.

Furthermore, a service plan, even if carefully designed, might not be a perfect fit on the first try. If a family does not succeed with the services it is provided, that plan will need to be altered — perhaps several times. By engaging in this kind of diligence and flexibility, a family or child can be kept out of court until all other options are appropriately and fully utilized.

Family-Focused. Increasingly, the juvenile justice field is acknowledging that to effectively work with a young person, it is imperative to work with his/her family. Youth live within the context of their surroundings; to attempt to respond and serve them outside of that context is often ineffective. In states and localities across the country that have designed and implemented promising status offender systems, there is a consistent priority placed on engaging and partnering with families to help remove the obstacles for them to get into services when they are needed.

Validated Screenings and Assessments

The use of validated screening tools and assessments to help guide juvenile justice decision-making is widely recognized as a key component of good practice. The use of such tools nationally and in Louisiana is briefly discussed throughout this section of the report, as applicable to the system points in question. However, section III of the report provides a much more comprehensive and in-depth discussion of why screenings and assessments are so important, what makes them different from each other, what it means for an instrument or tool to be standardized and validated, and how local practitioners should go about using these tools.

Community-Based. It is axiomatic that services cannot be helpful if they are inaccessible. When a child or family is referred to services, those services should be in the community — or as close as possible to the community — where the child and family live, ensuring that keeping appointments is at least realistic, if not simple and convenient. Providing community-based services has another, more substantive value as well. When services are community-based, the providers of those services are, ideally, optimally tuned-in to the context-specific needs of young people and their families. In other words, when the service providers “come from” the same community as the people they serve, they are much better situated to identify and develop relationships with them. Because successful status offender systems often operate primarily as short-term crisis intervention programs that link families up with services with which they can continue to work independently and longer-term, it is very important that those services be community-based.

Evidence-Based. To target the subset of status offending youth and their families whose assessed needs warrant more intensive services, model systems rely on research-driven or evidence-based practices (EBPs). Better outcomes associated with EBPs include reduced rates of arrest; improved family functioning and school performance; reduced rates of out-of-home placements of youth; higher retention rates of participants with fewer program dropouts; decreased drug use and symptoms of mental illness; and cost effectiveness when compared to more formal juvenile justice interventions. There are a variety of programs that have been given the label “evidence-based” — such as Functional Family Therapy (FFT), and Multisystemic Therapy (MST) — because they are grounded in a set of fundamental principles and techniques whose effectiveness have been rigorously tested and proven. When planning a status offense reform effort, jurisdictions should strive to implement some of these evidence-based programs, and even if they do not choose these programs in particular, they should certainly ensure that whatever programs they *do* implement are grounded in the principles and techniques that have been proven to work.

Track Outcome Data

Regardless of how well a new system or program is implemented, there are bound to be some parts of the machinery that run more smoothly than others. In order to be successful — and sustainable — it is essential that status offense reform efforts provide for the collection, monitoring, and tracking of data, specifically outcome data. When performance outcomes are carefully measured, jurisdictions are able to mold and tweak their programs as needed, allowing them to become more and more effective over time.

Local Context: Definition/Structure of Informal FINS in Louisiana

Below is a very brief summary of the current statutory framework governing Informal FINS. A flow chart and glossary of terms (for informal FINS as well as other points in the system) is included in Appendix B, along with a much more detailed summary of the legal and fiscal structure in Appendix C. It is important to note that both the abbreviated and full summaries are not meant to act as a qualitative assessment of these legal frameworks or how the system actually plays out in practice; rather, they are simply to provide the reader with a context for the latter sections on data, reforms, and recommendations.

In Louisiana, young people who have allegedly committed status offenses and their families are commonly referred to as Families in Need of Services (FINS). According to the Louisiana Children’s Code, FINS cases may take two different paths, depending on how and where their cases are processed. The first path, known as informal FINS, refers to cases that are diverted from formal court processing. Informal FINS cases follow a complaint to a local FINS program office, alleging that a youth or his family has exhibited one or more of the statutorily-outlined behaviors, of which there are many. (For more information, see Appendix C: Summary of Statutes Related to FINS, Detention, Probation, and Placement.) The stated goal of Informal FINS is to limit court involvement and provide youth and families with appropriate community-based services that can address underlying pre-delinquent behaviors and improve family relationships. The second path, known as formal FINS, refers to cases where youth and families are referred to court, resulting in a formal proceeding.

Currently, a key challenge in Louisiana is that these two paths are quite distinct and fragmented: there is no unified or cohesive FINS “system” or entity/entities tasked with overseeing all aspects of FINS responses or services. As a result, youth who are not successful in the Informal FINS system may unnecessarily penetrate the juvenile justice system and end up in the custody of the state OJJ, which is primarily tasked with managing delinquent youth. For this reason, this section of the report focuses exclusively on informal FINS; additional information about formal FINS practices can be found throughout the detention and probation/placement sections.

Data Summary: Where are the Youth?

According to FINS-AP data, **in 2010, there were a total of 11,269 Informal FINS referrals, or complaints, statewide.** This likely includes all referrals, regardless of whether an Informal case was opened for services or the referral was deemed ineligible and closed; however, it is not possible to confirm whether this is how all reporting jurisdictions defined and entered the data. (See box below for a description of what data are, and are not, available statewide.)

Informal FINS Data Availability

Currently, all Informal FINS programs receiving support from the LA Supreme Court are required to use FINS-AP, the Supreme Court's web-based case management system, designed to provide local FINS offices the ability to document, manage, and track informal FINS case activities from the initial complaint to case closure.

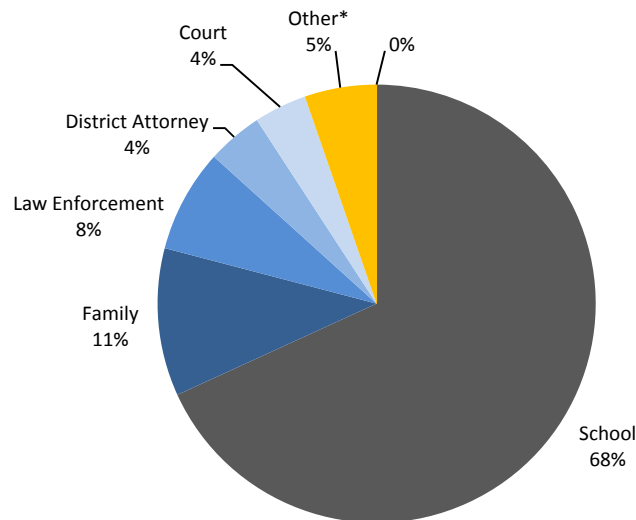
In 2007, the National Center for Juvenile Justice (NCJJ) reported that, despite FINS-AP's capabilities and potential to capture extensive information, there was, at the time of their analysis, substantial variance across local FINS programs in the range of data entered, the consistency of the data, and the extent of system utilization. While there was not funding to conduct a more current and extensive diagnostic to determine the consistency and/or reliability of the statewide Informal FINS data, there are some ongoing concerns about the ability of the state to accurately collect, analyze, and report comprehensive FINS data. In particular, the state has been unable to analyze and report on a regular annual basis statistics on the number of Informal FINS referrals (complaints), the referral sources for and primary problem behaviors behind those complaints, or the case outcomes. This is not to say that parishes have not been reporting those figures, but that the state has not had the staff resources necessary to review and utilize the data (for content and quality) and produce multi-year trend analyses that are needed to understand the impact of Informal FINS.

This section of the report provides a summary of the most recently available (2010) annual data on Informal FINS cases, as reported by FINS-AP. As noted above, there are no 2007 – 2011 state trend data available at this time. In addition, this section offers a snapshot of some local trends, with a focus on Calcasieu and Rapides Parishes (with local data provided directly from the jurisdictions).

Males accounted for 58 percent of the referrals, girls for 42 percent. Sixty-one percent of the referrals were for black youth, 37 percent for white youth, and two percent for Hispanic (or Latino) youth. The average age for referred youth was 13.

Figure 1, below, shows the referral sources for the 11,269 complaints. **Schools accounted for the wide majority of referrals — 68 percent — with families following at 11 percent.** The dominance of school referrals is a striking and somewhat unusual trend, when looking at national status offender systems.

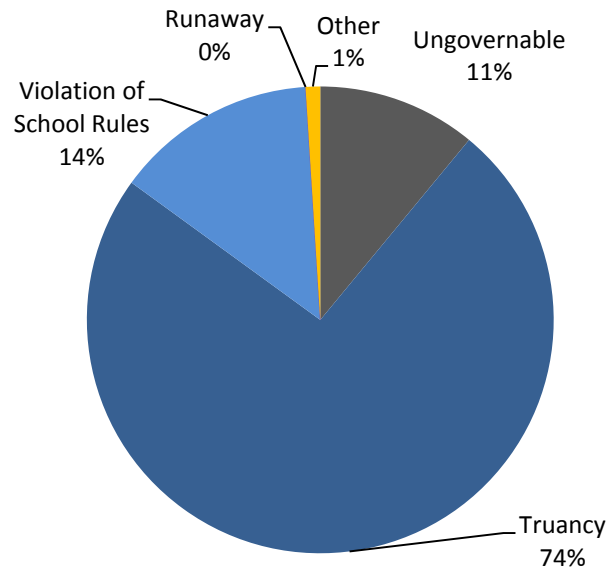
**Figure 1: 2010 Informal FINS Referral Source
(N=11,269)**



* Includes, but is not limited to, Truancy Assessment Service Centers and social workers.

Figure 2 takes a closer look at school referrals, to ascertain what *primary* behavior led to the complaint (note, referrals can be based on multiple behaviors). While nationally, schools are largely the referral source in allegations of truancy, data below show that schools in Louisiana are not only submitting Informal FINS referrals in response to truancy (accounting for 74 percent of all school referrals), they are also referring youth in response to the more broadly defined category of “violations of school rules” (14 percent) and “ungovernability” (11 percent).¹⁹

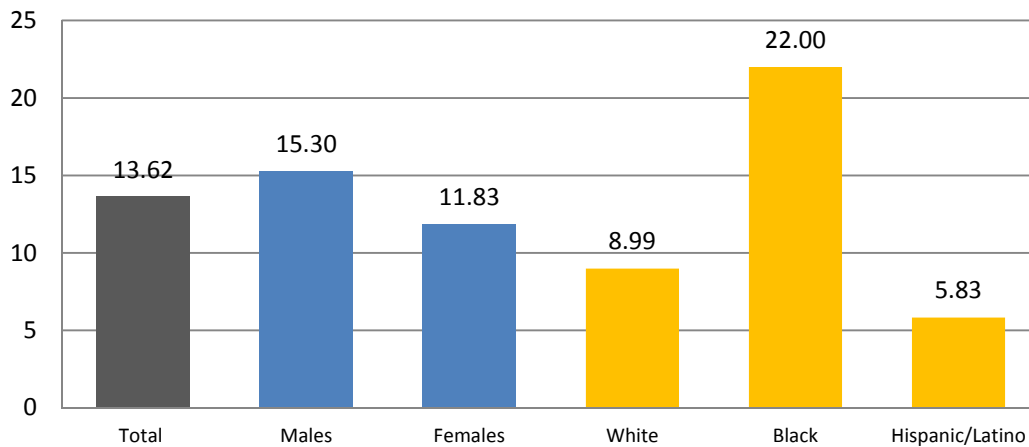
Figure 2: School Referrals by Primary Behavior



¹⁹ In *State in the Interest of J.W.D. Jr.*, the Court of Appeal of Louisiana held that school officials are not “caretakers” within the meaning of Article 728(1) of the Children’s Code; therefore, school officials may not file “ungovernable” status offender allegations under Article 730(2) of that Code in response to a child’s misbehavior at school. Instead, school officials may file status offender petitions under Article 730(1) of the Children’s Code, which specifically covers truancy or willful and repeated violations of school rules. 05–1135 (La. App. 3 Cir. 2/1/06); 921 So. 2d 1165, 1168.

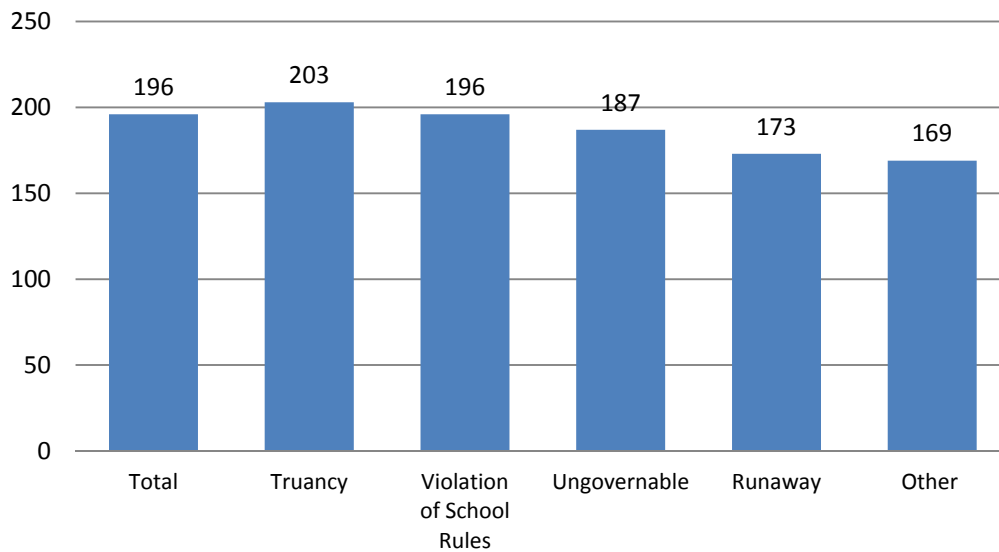
Figure 3 illustrates the *rate* at which young people are referred to the Informal FINS system. **Nearly 14 of every 1,000 youth between the ages of 10–17 in Louisiana received an Informal FINS referral in 2010.** That rate can change dramatically, depending on the demographics of young people. For example, **black youth were much more likely to be referred to the system,** with a rate of 22 — more than three times higher than the rates for white (8.99) and Latino youth (5.83). Similarly, boys are slightly more likely than girls to be the referred.

Figure 3: 2010 Informal FINS Referral Rate per 1,000 Youth Age 10-17



As illustrated in Figure 4, on average, Informal FINS cases remain open for 196 days, roughly six and half months, much longer than the recommended (per national best practice) length of one to three months. Cases stemming from truancy have the longest average lengths of Informal FINS involvement, at 203 days, with referrals in response to violations of school rules closely following at 196 days. With the knowledge that these are averages, the reader can assume that some cases remain open for much longer.²⁰ Note that the data do not allow for an understanding of why these cases are remaining open for these periods of time, or what kinds (and what quality) of services and interventions the youth and families are receiving.

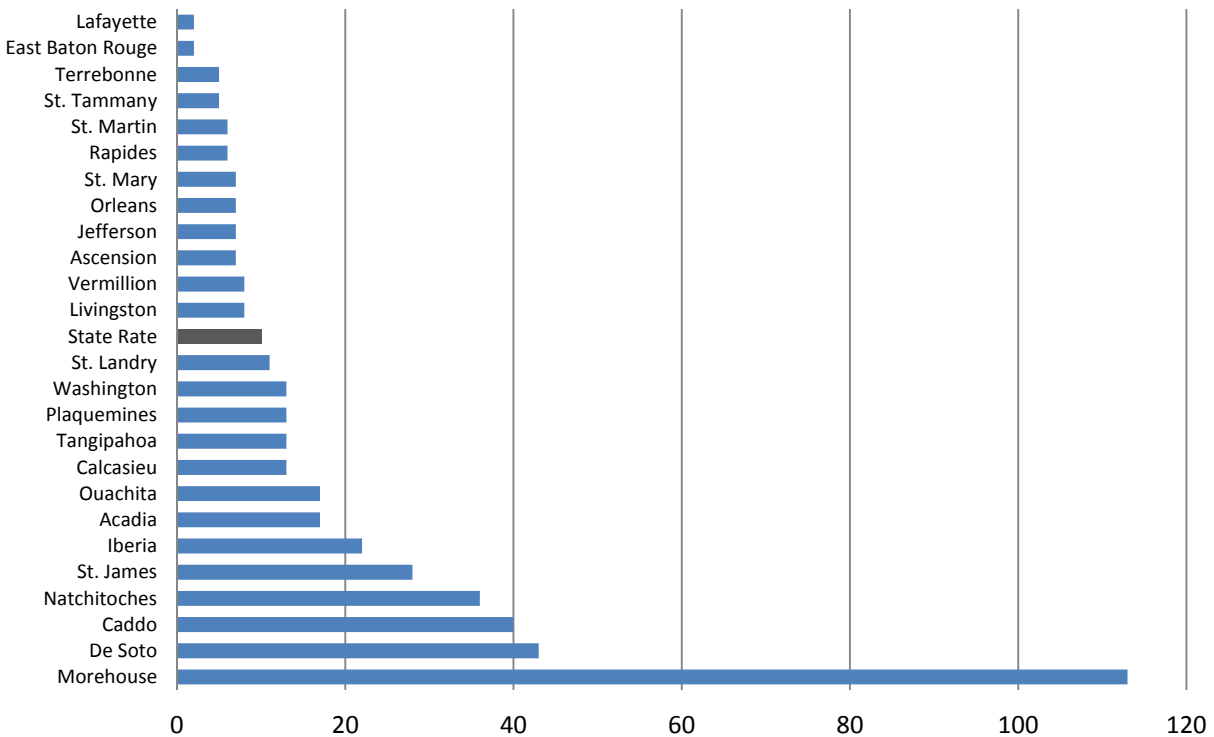
**Figure 4: Average Length of Informal FINS Involvement
(Closed Cases, N=8,671)**



²⁰ These statistics are drawn from 2010 closed cases only, a total of 8,671 cases.

Twenty-five parishes accounted for 89 percent of the Informal FINS referrals statewide. The referral rates for these parishes are illustrated in Figure 5.²¹ Referral rates used in this way — in lieu of raw numbers — allow practitioners and policy-makers to more appropriately and thoughtfully gauge and compare frequency of referrals across localities of varying size.

Figure 5: 2010 Rate of Informal FINS Referrals per 1,000 Youth under Age 18 for Top 25 Parishes



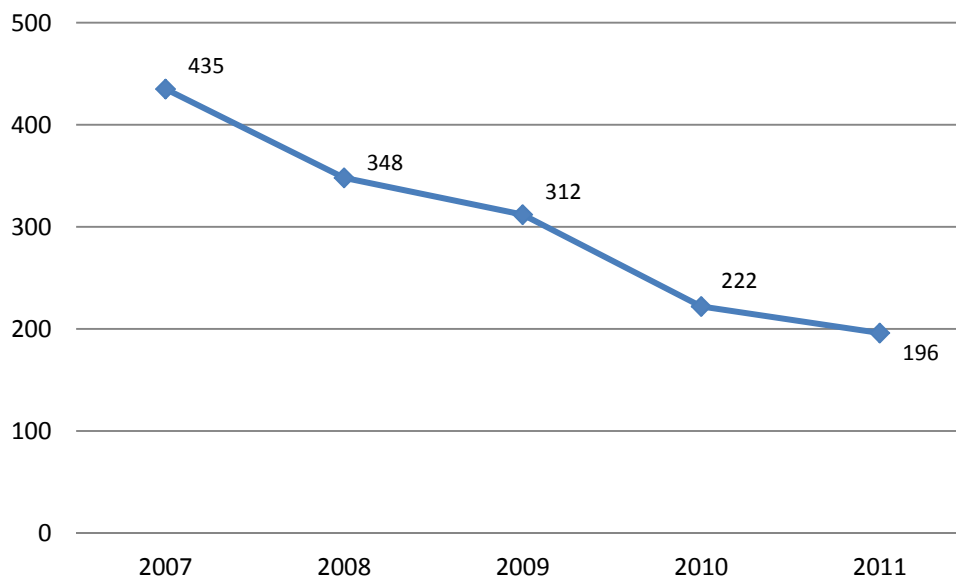
At the time of writing this report, there was no reliable and consistently reported measure of the rate at which Informal FINS referrals result in a later court petition. (Note, there are variables in the FINS-AP data designed to track case outcomes. However, state and local leaders report that these data, currently, are not consistently defined or reported across the state, and that there is no clear understanding of what a case closure of “success” actually means. For that reason, the data is not reported here). While the above rates of referral are critical to examine, with some localities struggling with particularly high frequencies of complaints and referrals, they only offer the reader part of the story — what happens to these cases? How effective was the Informal system in diverting — through appropriate assistance,

²¹ Note, the rates were calculated differently from Figure 3. The earlier cited statewide rate was calculated based per 1,000 youth ages 10-17, while below the rates are calculated per 1,000 youth under age 18. Local (parish-level) 2010 census data were not able to be broken out in age increments.

support, and services — young people and their families from formal court involvement? Right now, Louisiana does not have a clear answer to that question statewide. (For more information on how to improve the availability of reliable outcome data, see Part IV: Availability and Use of Data.)²²

Figure 6 offers a highlight from one parish, Rapides, that has worked hard to decrease the number of informal FINS referrals in an effort to ensure that only those youth who meet the statutory criteria are referred and that youth and families receive support from appropriate and responsible entities as a preventive measure, prior to a referral. **Between 2007 and 2011, Rapides reduced referrals by 55 percent, largely due to a dramatic (79 percent) reduction in school referrals.**²³ (See FINS Reform Efforts in Last Five Years for a description of the locality’s reform efforts, with a particular focus on collaboration between the schools and the courts to design a process by which interventions and assistance are intensively offered to families before a referral to the informal FINS system is made.)

**Figure 6: Rapides Parish
Informal FINS Referrals, 2007-2011**



Turning to another locality in the state, Calcasieu Parish has spent years strengthening and enhancing its ability to effectively and thoughtfully divert status offending youth from court. **Over the last five years (2007-2011), Calcasieu has sent, on average, less than four percent of informal FINS referrals to court. In 2011 alone, less than one percent of referrals resulted in a**

²² There are variables in the FINS-AP data designed to track case outcomes. However, state and local leaders report that these data, currently, are not consistently defined or reported across the state.

²³ In 2007, Rapides received 278 school referrals (64 percent of all informal FINS referrals). In 2008, 2009, 2010, and 2011, that number was 207 (59 percent), 141 (45 percent), 121 (55 percent), and 59 (11 percent), respectively.

court petition. As in Rapides Parish, these statistics reflect strong collaboration between schools and local juvenile justice authorities that, ultimately, are better equipped to keep young people in school and prevent them from becoming involved in the juvenile justice system.

Reform Efforts in Last Five Years

Below are highlights of some of the key reform efforts that local and state leaders have undertaken over the last five years. Note, this section (as well as all similar sections in this report) provides the reader with an overview of the most important and pressing on-the-ground work occurring across the state; however, it does not provide an in-depth evaluation of each area of reform. The state may want to hone in on particular areas for further analysis and assessment.

Rapides and Calcasieu Parishes have created local status offender models in line with national best practice.

Over the last several years, with support from Louisiana Models for Change, Rapides and Calcasieu Parishes have worked hard to create new, or enhance existing, alternatives to court processing for status offending youth. Beyond service delivery improvements, these two localities set out to develop comprehensive system *models* that are unique to the populations they serve, draw upon, and are in line with, national best practice, and most importantly, were implemented without additional state funding. At the heart of these efforts is an increased recognition that these youth — and their families — can be more effectively served in community-based programs and interventions, rather than in a court room. Highlighted below are select aspects of the Calcasieu and Rapides models, specifically: (1) clear eligibility criteria; (2) immediate response, expedited triage, and use of validated screening tools; (3) effective community and regional partnerships, and (4) data-driven decision-making.

Eligibility Criteria

Rapides Parish. To ensure that all efforts have been exhausted prior to the referral of a young person to the Informal FINS system and, as such, to protect the system's resources for those youth most at risk of later juvenile justice system involvement and in need of services, Rapides Parish District Court via the FINS office focused the eligibility criteria above and beyond the expansive statutory language (For more information on the behaviors that fall under a FINS complaint, see Appendix C: Summary of Statutes Related to FINS, Detention, Probation, and Placement). In particular, in response to the high number of FINS referrals coming from schools, in the 2006/2007 school year the parish created and implemented a process for reviewing school referrals and designed a "school exhaustion form." The form requires schools to undertake — and document — a number of appropriate in-house steps aimed at rectifying the behavior in question (truancy or violation of school rules) before they are permitted to file a

FINS referral.²⁴ (These steps did not require additional funding; they were simply documented to ensure all internal and appropriate resources were utilized before referral to court.) At the same time, the Rapides Parish Superintendent implemented an internal school process to address youth behavior more effectively prior to a referral to Informal FINS.

These policy and practice reforms — a result of ongoing and successful collaboration between the district court, the school board and superintendent, law enforcement, and other juvenile justice representatives — have been praised by both local and state leaders for helping to: 1) decrease the number of Rapides youth referred to the FINS system (see earlier data), 2) reduce the rates of school expulsions and suspensions (by 61 percent and 35 percent, respectively, between the 2006/2007 and 2009/2010 school years), and 3) increase the number of young people getting the help that they need outside of the juvenile justice system.²⁵

Immediate Response, Expedited Triage, and the Use of Validated Screening Tools Calcasieu Parish. In 2009, through a grant from Louisiana Models for Change, Calcasieu Parish — already known for its work to effectively serve status offending youth outside of the formal juvenile justice system — launched an effort to plan and implement a Multi-Agency Resource Center (MARC). Drawing on a shared community philosophy about meeting youth needs while keeping them in their homes, officials intended the MARC to provide a central and accessible resource for families and agencies that were seeking responses to, and assistance for, at-risk youth in an attempt to help divert those youth, when appropriate, from the juvenile justice system. In June 2011, the MARC opened its doors. While the Center is not dedicated exclusively to status offending youth (it also serves alleged juvenile delinquents and responds to other forms of referrals and complaints), its approach to providing immediate response, triaged case planning, and objective screening in Informal FINS cases is impressive and comprehensive.

Law enforcement personnel, families, community organizations, or schools may make an Informal FINS referral — via mail, call, or walk-in through a standardized referral form — to the MARC 24 hours a day, seven days a week (with the exception of major holidays). Based on an understanding of family needs and schedules, the center is officially opened Monday through Saturday, from 8 a.m. to 11 p.m. Referrals and requests for services that come in after 11 p.m. are received by the on-duty supervisor. In the case of a family referral (walk-in), a MARC officer will meet with the family for an interview within minutes of entering the center. Local officials share that it is not uncommon for parents to show up at the center with their child and a

²⁴ These steps include meeting with the parent, notifying the parent or legal guardian that the young person is at risk of being referred to the Informal FINS system, referring the youth to a Behavior Strategist (if classified as Special Education), and referring the youth to a Designated Disciplinarian (if not in Special Education).

²⁵ Expulsions fell from 152 in 2006-2007 to 59 in 2009-2010. During that same period, suspensions fell from 515 to 333.

packed bag, clearly exhausted and stating that they need help and cannot take the child home. In these cases especially, the immediate response and attention is critical.²⁶

During the intake interview (regardless of referral source), the MARC officer works collaboratively with the young person and the parents to identify appropriate (and least restrictive) supports and services (following a standardized screening process that helps them triage cases, based on urgency) and immediately makes the appropriate referrals (if the family agrees to the voluntary nature of Informal FINS).²⁷ Following this initial intake and service referral process, the family is then assigned to a FINS officer who will meet with the family again within five days to see how the preliminary services are going and develop a more comprehensive service plan, or Informal Family Services Plan Agreement (IFSPA). Officers are assigned based on the specific needs of the youth and family.²⁸

Rapides Parish. Based on extensive planning and a review of national status offender models, Rapides Parish created an Informal FINS system that aims to quickly and thoughtfully provide crisis intervention and supports to youth and families. Upon receipt of a FINS referral (via walk-in/call-in referrals from parents/guardians, written referrals from other agencies, or a court order from a judge in lieu of formal processing), if the case is found eligible, a FINS intake officer will complete a screening instrument and conduct an intake interview with the youth and family that day or, at the latest, within two days.²⁹ The intake officer uses the information from the screening tool, together with other information gathered from the young person, family, and complaining party, to create a plan that consists of the least restrictive services that are responsive and individualized to best meet the family's needs. Cases are then triaged based on the severity of the youth's behavior, the presenting needs of the youth and the family, and the youth's history of past FINS involvement.³⁰ This triage process allows the Parish to focus its

²⁶ In the case of Informal FINS referrals from entities other than the family, immediately upon receiving the complaint, a MARC officer will attempt to contact the parent or legal guardian to advise them of the referral and schedule an appointment. If contact cannot be made that same day, the staff will conduct a home visit within 48 hours of the complaint.

²⁷ The young person (if over the age of 10) is instructed on how to complete the JIFF (Juvenile Inventory for Functioning). The JIFF is a case management assessment tool for status offending youth. Simultaneously, a MARC officer interviews the parent or legal guardian to gain a better understanding of the family's needs and the behavior leading up to the referral. If the JIFF indicates concern about a young person's potential for self-harm, a trained staff member then conducts an evidence-based (validated) mental health screening tool, the MAYSI (Massachusetts Youth Screening Instrument), to dig deeper and identify further presenting problems and risk to self. The MAYSI includes a combination of mental, emotional, and behavioral dimensions and was developed for use with juvenile justice-involved youth ages 12 to 17 years. Taken together, the referral information, intake interview, and JIFF and MAYSI outcomes help the officer to triage cases according to the level of urgency and need.

²⁸ Two officers specialize in working with youth with mental health needs, one officer focuses on children who have been victimized, one officer handles truancy cases, one officer works with youth struggling with substance use, and one officer has a general caseload.

²⁹ The Parish uses the MAYSI-2.

³⁰ There are three different types of intervention plans that the informal FINS office can develop in collaboration with the youth and family, each meant to offer the least restrictive, responsive, voluntary, and tailored services.

Children and Youth Planning Boards

In 2004, the Louisiana state Legislature passed Act 555, requiring that each jurisdiction create a Children and Youth Planning Board and that the JJIC oversee those boards. The intent of the legislation was to ensure that stakeholders from across the locality were working together to assess, align, coordinate, and monitor “all available services and programs that address the needs of children and youth.” In particular, the legislation charged the Children and Youth Planning Boards with implementing strategies that divert youth from the juvenile justice and criminal justice systems, reduce reliance on incarceration, and increase reliance on community-based alternatives.

(Note, Act 555 was an unfunded mandate – outside resources and support from the MacArthur Foundation along with in-kind local government assistance have helped jurisdictions like Rapides and Calcasieu create vibrant and active boards and maximize their potential. Not all jurisdictions have had this benefit however, and many have struggled to create effective Children and Youth Planning Boards)

time and resources most heavily on those youth and families that exhibit the highest need. If at any time during the informal FINS process, a family or youth shows sign of mental health crisis, the intake officer can refer the family immediately to the Child and Adolescent Response Team (CART), available 24 hours a day, seven days a week.

Effective Community and Regional Partnerships

The status offender reform efforts in Calcasieu and Rapides were a result of careful and thoughtful collaboration between juvenile justice administrators and the local Children and Youth Planning Boards, with funding and technical assistance through Louisiana Models for Change. (See sidebar for the history of the Children and Youth Planning Boards.) Indeed, local leaders state that this collaboration allowed for relationship building across the agencies that work with youth and families and allowed the jurisdictions to proactively

examine past practice, identify the most pressing system needs, and aggressively plan and implement reforms.

For youth who have never been involved in FINS before and who are deemed “low” need, based on the intake interview, the intake officer and family will develop an Informal Family Services Plan Agreement (IFSPA) without formal service referrals. For youth who have never been involved in FINS before but who present as “mid” or “high” need, the FINS intake officer will develop an IFSPA with appropriately matched service referrals. For “mid” or “high” youth who have already gone through the informal FINS system in the past and for those referred directly by the court, the District Attorney’s office, or a school behavior strategist, the intake officer will convene a Family Team Conference panel to develop an IFSPA with appropriate service referrals.

Data-Driven Decision Making

Both Rapides and Calcasieu have, with support and assistance from Louisiana Models for Change, made great strides in actively collecting and using data for the unique models developed for their jurisdictions. This includes information obtained from risk screenings and assessments, to both better provide individual services and treatment and more effectively undertake system-wide analyses and planning efforts.

There has been a significant increase in education about national and local status offender best practice and the need for statewide Informal FINS reform, culminating in the creation of a statewide FINS Commission.

The promising reform efforts in select local parishes (described above) and a growing conversation about the need for statewide FINS reform culminated in Senate Concurrent Resolution 44, authored and presented by Senator Martiny during the 2011 regular legislative session. (For a detailed description of the call for statewide reform, see next section “Areas of Need and Related Recommendations”.) The resolution charged the Louisiana Supreme Court with creating a commission to study and issue recommendations regarding the governance, structure and legislation of the Louisiana FINS system. The resolution further required that the FINS Commission submit a report of its findings and recommendations to the Louisiana Legislature 30 days prior to the convening of the 2012 regular session. With funding from the MacArthur Foundation and the Governor’s Children’s Cabinet and support from NRB consultants, IPHJ coordinated the technical assistance and management of resources for the commission.³¹

Many juvenile justice leaders in the state described the Commission as an opportunity and vehicle to inform those in the political arena about the important role that the status offender system can and should play in a broader conversation about juvenile justice reform. Indeed, the Commission’s hearings offered, for the first time, a statewide, open forum for discussing issues surrounding status offenders and their families; sharing reforms that transpired both locally and nationally to a broader audience; and highlighting the needed next steps in statewide change, recognizing status offender reform as an area within which policy and practice changes could have a significant role in limiting the number of youth who enter the justice system.

³¹ The Chief Justice of the Louisiana Supreme Court appointed six state representatives to the Commission, representing the Louisiana Children’s Cabinet, the Office of Juvenile Justice, the Department of Children and Family Services, the Department of Health and Hospitals, and the Department of Education, and the Louisiana Supreme Court. Over the course of several months, the Commission held seven public meetings during which commission members, national experts, and state and parish representatives reviewed and discussed information about local and national models of reform and delivery of services to status offenders. The process was collaborative, with the Commission encouraging and inviting a wide array of stakeholders to participate. In particular, representatives from the previously mentioned local best practice models presented their reform efforts.

The FINS Commission issued 19 recommendations for statewide reform, most of which focused on the Informal FINS system.

In February 2012, the FINS Commission submitted its final report to the legislature, outlining 19 recommendations for reform.³² The wide majority of those recommendations focused on improvements in the Informal FINS system and strategies to better keep young people and their families out of the formal court system. Many of the recommendations are echoed in the next section of this report.

Senate Bill 467 passed, requiring a number of actions is taken to respond to youth and family needs prior to the filing of a FINS complaint and/or court petition.

Senator Sharon Weston Broome presented Senate Bill (SB) 467, which was passed in the 2012 regular session. The measure provides for the adoption of one of the FINS Commission's recommendations — that there be due diligence standards in all informal FINS cases, which require that a number of actions be taken to respond to the needs of the youth and family prior to the filing of a FINS complaint and, later, court petition. SB 467 states that any referring agency or entity shall (1) utilize all appropriate and available resources prior to making an Informal FINS referral and/or filing a FINS petition in court, and (2) provide documentation of all steps that have been taken at the time the petition is filed. If the referring entity is a school, then, at a minimum, it must document all meetings that have been held with the child and with the child's caretaker, and any referrals that were made to the school's behavior support personnel (similar to what is done in Rapides Parish).

SB 467 also requires that any referral for FINS must set forth whether the child is currently under the supervision of any state or local entity that provides services to children and families (for example, if the youth is involved in the child welfare system). These provisions are designed to ensure that significant steps have been taken to respond to the needs of the youth and family before entering the informal FINS system, and to prevent duplication of efforts and services.

(Note, no official training on, or of oversight of, this law has occurred at the time of writing this report.)

House Concurrent Resolution 129 passed, urging the Supreme Court to enact the FINS Commission's recommendations and requiring the Children's Cabinet and FINSAP to submit a report to the legislature on the status of these recommendations by March 1, 2013.

³²Final Report of the FINS Commission to the State Legislature, February 10, 2012, Also, see online at: <http://www.gov.state.la.us/index.cfm?md=pagebuilder&tmp=home&navID=254&cpID=440&catID=0>

A great deal of work went into informing the FINS Commission and drafting the final recommendations. To honor that work and prevent the recommendations from being placed on a shelf and lying dormant, House representative Walt Leger presented House Concurrent Resolution (HCR) 129, which was also passed in the 2012 regular session. HCR 129 requests that the Louisiana Supreme Court, the Department of Children and Family Services (DCFS), the Department of Health and Hospitals (DHH), the Department of Education (DOE), the Children's Cabinet, and the OJJ submit a report to the legislature on their response to, and the implementation status of, the Commission's Informal FINS recommendations by March 1, 2013.

(As with SB 467, the above legislation does not come with any formal oversight or monitoring.)

Areas of Need and Related Recommendations

Based on the available data, a review of reports and public documents, interviews with both local and national practitioners and experts, and an understanding of national best practice, the following recommendation and related strategies are proposed.

Area of Need: Beyond the limited statutory mandates, there is currently no comprehensive statewide system, or model, in place in Louisiana for responding effectively to status offenders and their families as a system.

Recommendation 4: Louisiana should create a statewide FINS system that is in-line with national best practice and offers a coherent and unified vision and plan for how status offenders and their families should be treated and served.

Currently, Louisiana has a fragmented and loosely defined status offender system. As already noted, youth who do not succeed in the informal FINS system may proceed to court, which they may be adjudicated as FINS in a system designed for delinquents rather than status offenders. The below strategies are offered as concrete steps for achieving a more comprehensive, effective, and unified system. Many of the strategies are directly informed by the presentations and documents that were submitted to the Louisiana FINS Commission during its review of statewide needs and national best practices, as part of the technical assistance and data presentations. As will be the case throughout this report, the strategies are often inter-related.

It is important to note that while this section of the report focuses exclusively on the Informal FINS system within Louisiana, it is recommended that Louisiana work towards creating a system that encapsulates both the Informal and Formal response to these young people and their families. In other words, Louisiana should establish and codify one coherent and unified vision for how it will treat and serve status offenders and their families, both in the attempts to keep them out of the court and in those (hopefully few) cases in which status offenders are formally processed and adjudicated by the court.

Area of Need: Currently, there is limited formal and adequately-funded oversight of the FINS system.

Strategy 4-1: Louisiana should appoint and adequately fund a lead state agency — or a collaboration of specific lead agencies — develop, manage and oversee the FINS system and work to implement the remaining strategies in this area.

It is critical that the state designate and adequately fund an entity, or collaboration of agencies, to manage and oversee the statewide FINS system as a whole, offering guidance and support to local jurisdictions, providing best-practice trainings on a regular basis, collecting and analyzing data, and coordinating with other youth-related agencies and organizations. As noted earlier, currently, the Supreme Court FINS-AP has oversight of the Informal FINS system. While the Supreme Court may be equipped to take on that role (with additional funding, since resources and staffing are incredibly limited at the moment), it can send a confusing policy message to place the oversight and supervision of the Informal FINS system within the courts when the thrust of that system should be *outside* the court arena. To better align with the goal of effectively diverting these young people from the juvenile justice system, it is recommended that Louisiana shift the primary responsibility to a state entity outside of the courts, ideally a more social service-oriented agency that has experience working with youth and families in their communities, or to, at the very least, place shared responsibility of the system in the hands of a partnership of agencies, including entities such as the DHH Office of Behavioral Health, the DCFS, and OJJ (which has become the defacto agency for adjudicated FINS, with little to no input on the front end of the system).

While this official appointment of a lead agency or partnership of agencies is highly recommended, it should be noted that the remaining strategies in this section of the report can and should be implemented even in the absence of this occurring. In other words, the remaining strategies are not dependent on the identification and appointment of a lead entity and are, instead, reforms that the state, with leadership and guidance from the JJIC, can and should undertake. Building on much of the ongoing local reforms in this area and the partnerships with other child-serving entities, Louisiana is well-positioned to take these efforts to the next level and implement them widely.

Area of Need: Current FINS guidelines (in statute) are limited and minimal in nature, and need to be more informed and influenced by national best practice.

Strategy 4-2: Louisiana (ideally, the lead entity/ies arising from strategy 4-1) should create and monitor statewide standards for responding to and serving FINS youth and their families.

Louisiana should create a set of statewide standards for how all local jurisdictions should respond to and treat alleged status offenders (Informal FINS) and their families, in line with national best practice. As outlined in Appendix B: Glossary of Terms and Juvenile Justice System Flowcharts, currently the Children’s Code specifies the requirements that local FINS offices must follow when they receive a FINS referral, but the statutory guidelines are minimal in nature and lack the depth that can come with more comprehensive and aspirational standards.

The more detailed strategies described below should be built into, and lay the substantive foundation for, the development of the statewide standards. While legislative enactment of the standards is highly recommended, lack of legislative action should not impede the development and implementation of standards, policy changes, and the related below strategies.

Area of Need: The Louisiana Informal FINS population is currently defined very broadly in statute, allowing for, in some circumstances, duplication of efforts between state agencies and difficulty in appropriately triaging cases at the local level.

Strategy 4-3: The state should develop and implement clearer eligibility criteria and protocols to determine whether a referred child is eligible for Informal FINS services.

Currently, the Louisiana Children’s Code provides a broad and far-reaching definition of the behaviors that warrant an Informal FINS referral (for more information, see Appendix C: Summary of Statutes Related to FINS, Detention, Probation, and Placement). Indeed, Louisiana criteria for what is considered a status offense are more expansive and inclusive than is the national norm. Model status offense systems, in places such as Florida, generally define the status offender population as youth between the ages of 10 and 17 who do not have active child welfare or delinquency cases and are running away, demonstrating chronic truancy, or acting out in ways that place them beyond the control of their parents and put them at risk of abuse, neglect, and/or delinquency. As noted earlier, by having a clear, well-defined, and somewhat limited status offender target population (by age and with exclusionary criteria), localities can better identify which young people and families should be served by what system (e.g., status offense system, child welfare, juvenile justice) and develop mechanisms and protocols to accomplish this goal.

Louisiana should develop a more clearly articulated, concise, and unique target population for its Informal FINS system and should change the statutory language to reflect that target population. As part of this process, the state should (1) clearly identify — and require local implementation of — eligibility criteria (inclusionary and exclusionary); (2) develop written protocols for all local offices to follow when determining whether a referred child is eligible for FINS services or should be referred to another agency; and (3) allocate and protect funding for services directed toward those youth and families that meet eligibility.

In addition to requiring that the presenting behavior rises to the level of a status offense as defined by statute and that the presenting behavior is sufficiently documented, criteria for an Informal FINS referral should include the following, as outlined in the next two recommendations.

Area of Need: A number of FINS referrals are coming from education systems that have not utilized available internal school-level options for addressing behaviors prior to referring to Informal FINS.

Strategy 4-4: Informal FINS eligibility criteria should include the requirement that schools, and other referring entities, take (and document) all appropriate steps and exhaust all other options prior to entering an Informal FINS complaint.

As seen in the previously presented state data, the wide majority (68 percent) of Informal FINS referrals in Louisiana come from schools, for both truancy and behavioral infractions that fall under “violations of school rules.” While it is important that schools have a resource and entity to turn to for support when they face seemingly intractable challenges with a young person, it is equally important to ensure that the juvenile justice system does not become the de facto response to misbehavior. As such, following the example of Rapides Parish, Louisiana should require that schools, as well as any other referring entity, take all necessary steps to work with and improve the behavior of the young person and his/her family prior to making a FINS referral, within the scope of their current funding and existing mechanisms. These steps should include, at a minimum: meeting with the youth and parent/legal guardian to identify the causes of the behavior and collaboratively distill strategies for improvement; referring the youth and parent to a behavior specialist; and conducting a follow-up meeting with the family to discuss if and how improvement is being made. Such steps should be clearly documented in writing, in a format similar to Rapides’ School Exhaustion Form. As part of this recommendation, the state should closely monitor SB 467 and ensure that it is appropriately implemented and followed statewide.

Area of Need: Duplication of efforts exists — probation and/or child welfare agencies sometimes refer active cases to Informal FINS.

Strategy 4-5: Youth currently on child welfare or probation caseloads generally should not be referred to, or eligible for, concurrent FINS services.

As is the case across the country, many youth who are referred to the FINS system may have exhibited delinquent behavior in the past or may have faced abuse or neglect in the home. To prevent duplication of services and interventions, Louisiana should follow the lead of other states, such as Florida, in stating that youth who are currently involved in the child welfare or juvenile justice systems (through an active child welfare or probation case) should — with the

exception of the most severe cases — be ineligible for concurrent FINS services. This does not mean that collaboration between agencies is not important and recommended; rather, that there is a need for the state to limit duplication while simultaneously fostering cross-agency conversation and collaboration, some of which is already happening locally in Louisiana.

Area of Need: Informal FINS referrals and intake processes are currently managed through a variety of entities, most of which are operated within court systems.

Strategy 4-6: Local intake and triage processes should be provided by a service outside of the court system, with youth entering court only when all else fails.

Louisiana’s Informal FINS system was created to provide a voluntary process for youth and families to receive support and services in lieu of a formal FINS petition and court involvement. This continues to be the intent; yet, the local entities that directly receive and respond to Informal FINS complaints and requests for services frequently reside within, or are directly connected to, the courts. It is recommended that Louisiana follow the national trend (as well as the work of Calcasieu Parish) to entirely remove the intake and triage process for status offending cases from the court system, placing it in the hands of an agency or entity outside of the court system, with any contact with the court occurring only when all else fails. While this change in practice may take some time, it is a critical step toward establishing a truly voluntary and community-based service response to non-criminal behaviors.

Area of Need: Time frames for how long it takes for an Informal FINS intake and screening to occur vary widely across the state.

Strategy 4-7: The state should require that intake and screening is available within 72 hours of a FINS complaint.

There is no existing state data that reflects how long it takes for an Informal FINS referral to lead to action — via an intake interview, service referral, and service delivery. Nonetheless, many in the state surmise that an immediate response to referrals is typically not the norm. Due to limited resources and a lack of clear and ambitious standards, families may wait weeks for someone to meet with them and help them devise a plan for services and supports. As was previously discussed, families in crisis cannot afford to wait — crises often escalate during the waiting period, making it more challenging to effectively respond to and serve cases outside of the court system. In line with best practice, Louisiana should require that all local jurisdictions conduct a screening and intake interview with a young person and his/her family within 72 hours of a FINS complaint.

Area of Need: Screening for crisis, mental health, substance abuse, and other needs in Informal FINS cases and conducting more comprehensive assessments for those youth who screen as high needs are not mandated. There are also no consistent screening or assessment tools used statewide and many jurisdictions use none.

Strategy 4-8: The state should adopt a common, objective, and validated screening instrument and a validated assessment tool for Informal FINS.

While some parishes across the state are using a validated screening tool to help inform and guide IFSPAs, others are not. Indeed, there is no statewide guideline in this area. Louisiana should adopt a common, objective screening instrument and require that all FINS intake offices use that tool on new Informal FINS referrals. Additionally, the state should record and report data to better understand and monitor the types of services these young people need. Any screening practices established should be supported by a clear policy outlining the training needed to administer the tool, the steps to follow to triage cases according to what is learned, and a hierarchy of behaviors demanding immediate attention. Additionally, the state should work closely with the new Louisiana Behavioral Health Partnership and schools to ensure they are well-versed in which youth to refer to the informal FINS system.

The same process should be undertaken in identifying an appropriate and validated assessment tool to use for those youth who screen as high needs or high risk. (For a more detailed description of the difference between screening and assessment, see Part III: Assessment and Services.)

Area of Need: Little is quantifiably known about the extent to which services are available for Informal FINS cases statewide.

Strategy 4-9: The state (ideally, the lead entity/ies arising from strategy 4-1) and parishes should work together to map resources currently available to informal FINS cases, and should ensure that there are immediate triage, short-term crisis responses, and respite and evidence-based interventions available — and funded — in all regions of the state (looking at one region at a time and drawing on what has been demonstrated locally.)

Some juvenile justice leaders in Louisiana worry that too many Informal FINS referrals still enter the court system, and subsequently, detention and placement, mainly as a way to get services that were not available in the community. Unfortunately, though, while many anecdotally agree that availability of services for Informal FINS cases is generally limited and varies widely across the state, depending on geography and resources, there are currently no reliable statewide data on the number of youth who enter the court system on a FINS petition, or the number and types of services that are available to these youth and their families.³³ Similarly, there is little statewide data about the needs of Louisiana FINS youth. Finally, there are no known funding allocations for services targeting Informal FINS referrals.

With all this as a backdrop, it is recommended that Louisiana — state leaders, in collaboration with the local government to the extent that funding is available, map the resources that are currently available to Informal FINS cases across the state, identifying which services are offered in each region, the agency that provides the service, the eligibility criteria, the funding stream, and the capacity (with an eye towards whether there are long wait lists). The state should then view that service map alongside newly collected data on youth needs (feasible when the state follows the previous recommendation of adopting a standardized screening tool for all referrals), and ensure that a basic array of services and supports are available and adequately funded statewide.

Respite Care can offer a much-needed break for a family during a time of crisis. In states that use respite for status offending youth, typically the young person lives at a shelter or respite site (could be the home of a relative) for a few days or one to two weeks at the most with a focus on relieving the immediate crisis and establishing a plan for reunification and supportive services.

Currently, in Louisiana, there are few respite care options available. Where offered, they are sparsely scattered shelters for runaway youth or only available through DCFS child protective services where abuse or neglect is an immediate concern. The state should devise a plan for expanding access (statewide) to respite programs that offer a 24-hr temporary shelter. These centers should not be locked, must be affiliated with family intervention services to address identified problems, and should maintain an average length of stay of approximately four days (with stays not exceeding 14 days).

The immediate intake, triage, and brief problem solving response offered by trained FINS officers should, when done well, address the needs of the majority of FINS referrals as

³³ In 2007, the Vera Institute of Justice conducted a very preliminary statewide survey to gather information about types of services available, which showed high rates of waiting lists for services and limited availability of mental health and substance abuse interventions.

demonstrated by similar processes in model programs. The process, in and of itself, is an intervention. However, sometimes external service referrals and support are needed. The state should work to ensure that those services are appropriate and tailored to the needs of FINS youth and families. As discussed previously, it is particularly important to provide immediate crisis response (e.g., respite care — see side bar on previous page) and **brief (time-limited)** family-focused, community-based interventions. Ideally, the triage and hands-on role of Informal FINS system should be limited to 90 days, rather than as long as the state data indicate earlier in the section discussing FINS data. When possible, such services should include evidence-based practices. (See Part III: Assessments and Services of this report for more detail on the types of services and interventions needed at this point in the system.)

(Note, it would be beneficial to include local Children and Youth Planning Boards in this mapping process; however, it is important to recognize that these boards are often unfunded and struggle to have the resources to operate effectively. It is recommended that the state and localities, nonetheless, find ways to collaborate with the boards, and to replicate model sites, such as Rapides and Calcasieu that have, with support and technical assistance from Louisiana Models for Change, created powerful and productive relationship with their local boards.) (See Part IV: Availability and Use of Data for a strategy regarding improved Informal FINS data collection and quality outcomes thresholds for FINS services)

Point 2: Detention

National Context: Principles of Model Juvenile Detention Systems

The decision to detain a youth in a secure facility pending an appearance in court is one of the most critical decisions in the juvenile justice system. Similar to jail in the adult context, juvenile detention generally occurs prior to a court disposition, or sentence.³⁴ While detention is intended to be used only for those youth who are at risk of failing to appear in court or being re-arrested pending a court hearing, too often young people are held in detention facilities across the country for reasons that fall outside statutory guidelines — for example, in response to family crises, as a sanction for truancy or school failure, or to access mental health or social services.

Detaining a young person often comes at great social and fiscal cost. First, youth who do not pose a risk of re-arrest or flight can, through peer influence, learn negative and dangerous behaviors when placed in detention alongside youth who may genuinely need to be there. Second, separating youth from their families, communities, and schools and placing them in locked facilities—some of which closely resemble adult jails — can have a traumatic and frightening effect on youth. This social cost of detention is most significantly felt by communities of color, for these are the communities from which the wide majority of detained youth come. Third, in addition to its societal cost, detention is very expensive compared to the

³⁴ Some states also use detention for youth who have received a disposition.

cost of community-based programming. And, finally, as states increasingly look at ways to decrease the flow of youth into correctional — or placement — facilities, it is critical to acknowledge and take advantage of the role that detention reform can play in these efforts. Research shows that a youth who is placed in detention is likely to become more deeply involved in the juvenile justice system, even when controlling for other factors.³⁵ In other words, a stay in detention can increase a young person’s chances of further incarceration following a court disposition, or sentence.

These factors have increased momentum nationally to safely reduce detention usage and focus instead on implementing policies and practices that both better promote public safety and improve outcomes for youth. Through the efforts of the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative and the hard work of committed local and state juvenile justice officials across the country, some key principles have emerged to guide the detention reform movement.

Limit Who Enters Detention

Given the harmful effects that detention can have on young people, it is imperative that jurisdictions eliminate its unnecessary or inappropriate use, particularly for youth who are low-risk and those who have committed status offenses. Only those young people who meet the statutory threshold of risk (outlined by state statute and almost always focusing on risk of reoffending and/or risk of failing to appear in court pending the next court date) should be detained. Many jurisdictions across the country have sought to limit detention to statutorily prescribed circumstances by developing objective risk assessment instruments that help shape decision makers’ choices about who to detain and who to release. These instruments typically include relevant factors that are assigned point values. These values are added up and result in a final score associated with a risk level and related detention recommendation. High risk cases may be appropriate for detention; low risk cases

The Juvenile Detention Alternatives Initiative (JDAI)

In the early 1990s, the Annie E. Casey Foundation launched its Juvenile Detention Alternatives Initiative (JDAI) in response to a troubling increase in the country’s reliance on juvenile detention, and data showing that the majority of detained youth nationally were held for non-violent crimes. Since its inception nearly two decades ago and its work in approximately 100 jurisdictions in 30 states and the District of Columbia, JDAI has demonstrated that jurisdictions can protect public safety by limiting the use of detention to only those youth who pose a risk of flight or re-offense prior to receiving their sentence and by offering youth and families opportunities in their communities.

³⁵ B. Holman and J. Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities* (Washington, DC: Justice Policy Institute, 2006): 5. See also Jeffrey Lin, *Exploring the Impact of Institutional Placement on the Recidivism of Delinquent Youth* (New York University, Technical Report to the National Institute of Justice, March 2007): 101-102. This finding says that, holding everything else constant, youth who were detained prior to disposition were about 12 times as likely to be recommended for placement (not necessarily placed) by the probation officer.

may be more appropriate for release to the community with no formal court supervision; and mid-risk cases may be referred to an alternative-to-detention program, which generally provides graduated levels of supervision to ensure that youth appear at court hearings and refrain from reoffending.

Detention risk screening instruments, when used consistently and effectively, reduce unnecessary and/or inappropriate use of detention in a number of ways:

- They provide juvenile justice stakeholders with an objective and standard way of measuring a youth’s risk of reoffending or failing to appear in court before the next court hearing;
- They promote consistency and transparency in decision-making — i.e., similar outcomes for similarly situated cases — by applying legally relevant criteria in a uniform manner;
- Through this objectivity and transparency, the use of these tools can help address racial and ethnic disparities that may exist in detention decisions; and
- Using a detention risk screening tool can help a jurisdiction allocate limited system resources more efficiently, by directing the most intensive interventions to those youth at highest risk, while using less costly and less restrictive alternatives for lower-risk cases.

It is important to note that detention risk tools are different from other risk assessment tools used at other points in the system, in that they are only meant to predict *short-term* reoffending or flight and not long-term recidivism or social service needs.

Develop an Array of Alternatives to Detention to Keep Youth in the Community and Minimize Failure to Appear and Rearrest Rates

Many jurisdictions have coupled the use of detention risk screening instruments with the development of community-based alternatives to detention that are designed to minimize rates of re-arrest and failure to appear in court.³⁶ These programs are generally designed to be short-term, typically only available during the pendency of a youth’s case (pre-sentencing) or in response to a violation of probation; target those youth who score mid-risk on a screening instrument; and provide supervision and services to ensure that youth remain arrest-free and attend all of their court appearances.³⁷ Jurisdictions nationwide have shown that investing in and monitoring the use of alternatives to detention (i.e. who enters these programs and how long they are staying) not only produces better outcomes, but is significantly less costly than using detention.

³⁶ Paul DeMuro, *Pathways to Juvenile Detention Reform: Consider the Alternatives – Planning and Implementing Detention Alternatives*, The Annie E. Casey Foundation, 11-14.

³⁷ *Ibid.*

Establish a Safe and Humane Environment for Young People in Detention

For the relatively small number of youth who must be detained, it is critical to provide them with an environment that recognizes their needs and activities that support their healthy development and engage families.³⁸ By conducting regular facility assessments to monitor practice and adherence to standards and maintaining a commitment to work toward improving conditions, jurisdictions are slowly starting to see a difference in both facility culture and environment.

Reduce Racial and Ethnic Disparities

Nationwide, many jurisdictions struggle with high rates of disproportionate minority contact, which occurs when the proportion of youth of color in a certain community is lower than the proportion of youth of color from that community who are involved in the juvenile justice system.³⁹ To address this issue, many states and localities have begun to be more intentional and thoughtful about examining their detention data, policies, and practices through the lens of race and focused on developing concrete steps to address any disparities.

Limit Case Processing Times

In addition to reducing the number of youth who are detained pending disposition, jurisdictions have also recognized the importance of lessening lengths of stay as a key strategy in detention reform. Delays in case processing have been found to correlate with increased failure to appear rates for youth who are released pending adjudication, can limit the number of new admissions into alternative programs if youth are staying longer than needed, and subsequently, lead to unnecessary costs when youth are housed in expensive facilities.⁴⁰ By closely examining court processing procedures, localities nationwide have not only improved the efficiency of their systems, but in many cases, also made them more just.

Local Context: Definition/Structure of Detention in Louisiana

Below is a very brief summary of the current statutory framework governing juvenile detention. A flow chart and glossary of terms (for detention as well as other points in the system) is included in Appendix B, along with a much more detailed summary of the legal and fiscal structure in Appendix C. It is important to note that both the abbreviated and full summaries are not meant to act as a qualitative assessment of these legal frameworks or how the system

³⁸ Sue Burrell, *Pathways to Juvenile Detention Reform: Improving Conditions of Confinement in Secure Juvenile Detention Centers*, The Annie E. Casey Foundation, 17-21

³⁹ The W. Haywood Burns Institute for Juvenile Justice Fairness and Equity, What is DMC?, Available at: <http://www.burnsinstitute.org/article.php?id=59>

⁴⁰ D. Alan Henry, *Pathways to Juvenile Detention Reform: Reducing Unnecessary Delay – Innovations in Court Processing*, The Annie E. Casey Foundation, 10-15.

actually plays out in practice; rather, they are simply to provide the reader with a context for the latter sections on data, reforms, and recommendations.

Louisiana’s Children’s Code outlines the circumstances under which youth accused of committing either a status offense (FINS) or delinquent behavior may be held temporarily in a secure detention facility. FINS youth may be placed in a secure detention facility prior to an adjudication hearing, where the court rules on whether the youth is guilty of committing the alleged status offense(s), or after receiving a court disposition (sentence). Youth charged with a delinquency offense may be detained at three primary points: (1) upon arrest, prior to being adjudicated (found guilty) of committing a crime; (2) following adjudication, but prior to receiving a disposition; or (3) following a disposition, either pending a transfer to a facility contracted or operated by the state OJJ, for those youth who have been committed by the court to state custody for the time specified in the disposition, or following a violation of probation. The facility in which a youth is detained varies depending on the offense for which a youth has been charged — shelter care facilities are less restrictive, while local secure detention facilities are more restrictive. Youth placed in secure detention facilities must be over the age of 10 and under 21.

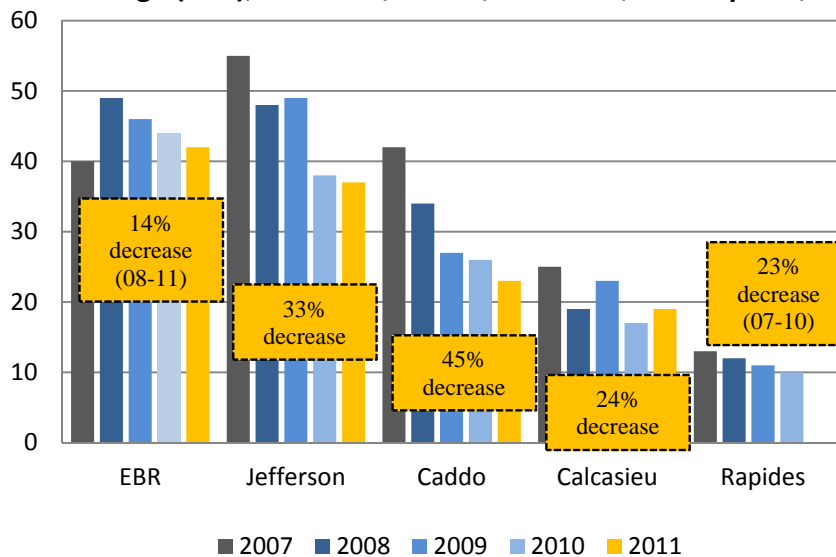
Juvenile detention is a local function in Louisiana. Parish governments pay for secure detention services provided to any youth who is placed in a local or regional detention center,⁴¹ which are administered by parish boards and commissions, consolidated government agencies (in the case of facilities that serve multiple parishes), juvenile courts, or law enforcement departments.

⁴¹ La Children’s Code Ann art. 815E

Data Summary: Where are the Youth?

Figures 7 and 8 show that *there has been a general declining trend in the use of detention in five of the most populous regions of the state.* (See box below for description of what detention data are and are not available statewide.) As shown in Figure 1, average daily populations at four of the five detention centers decreased during this period. In Jefferson, Caddo, and Calcasieu parishes, average daily populations decreased by 33 percent, 45 percent, and 24 percent, respectively, between 2007 and 2011. In East Baton Rouge Parish, the average daily population remained relatively flat between 2007 and 2011; however, there was a 14 percent decrease from 2008 to 2011. Lastly, Rapides Parish experienced a 23 percent drop in average daily population between 2007 and 2010 (2011 data were not yet available at the time this report was drafted).

**Figure 7: Average Daily Population in Detention
 East Baton Rouge (EBR), Jefferson, Caddo, Calcasieu, and Rapides, 2007-2011**



Availability of Detention Data

Currently, there are no statewide data available on juvenile detention admissions and trends in Louisiana. The ability of each of the state's 15 detention centers to provide admissions data, average daily population data, average length of stay data, and other important data varies considerably, and until the passage of statewide detention standards in 2012 (described in more detail further in this report), no state entity was responsible for collecting, analyzing, and reporting this information. For that reason, this section of the report is not able to provide the reader with a comprehensive picture of how detention is, or is not, being used across Louisiana. However, the report does attempt to show a glimpse of detention trends by focusing on five of the state's most populous parishes—Caddo, Calcasieu, East Baton Rouge, Jefferson, and Rapides. These five jurisdictions have made important strides in collecting and using data, with technical assistance support and funding from the Annie E. Casey Foundation and the MacArthur Foundation. Five years ago, the detention centers within these localities would not have been able to easily produce the types of trend data displayed here.*

**The parishes provided data for different years. For example, readily available data from Rapides Parish generally covered the 2006-2010 period, while data for the other parishes generally cover the 2007-2011 period. While having data for different time periods represents a limitation of available data (i.e., having data for the same periods from all parishes would be preferred), the overall trends remain the same across parishes.*

Figure 8 examines overall detention admissions for the same five parishes. Data for Caddo, Calcasieu, East Baton Rouge, and Jefferson parishes compare admissions for 2007 and 2011. Data for Rapides Parish compare admissions for 2006 and 2010. As shown below, the data reveal notable declines in detention admissions for the applicable five-year comparison points. (Later in this section of the report, an outline is provided of the important policy and practice changes that these sites have undertaken to intentionally achieve this reduction, effectively and safely limiting the use of detention to high-risk youth and shifting resources to community-based alternatives for youth who, but the existence of those alternatives, would have been detained).

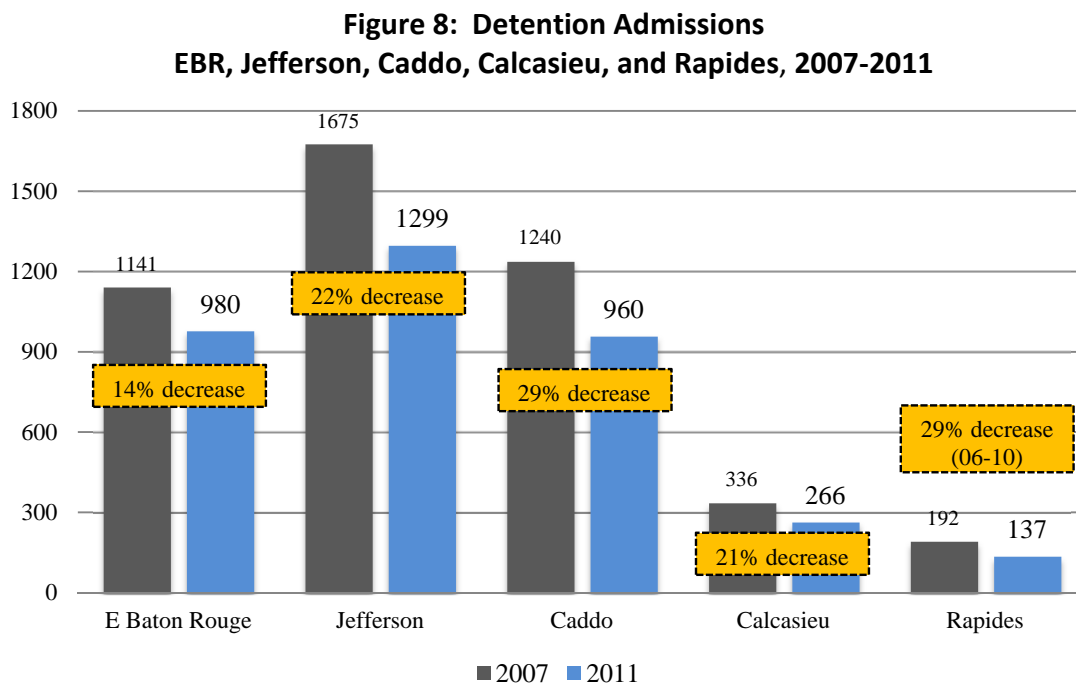


Figure 9 displays another important indicator of detention utilization — average length of stay. Very simply, this chart shows the average length of time, in days, that youth remained in detention for the applicable years. In Caddo Parish, the average length of stay fell from 16 days in 2008 to 9.3 days in 2011. Calcasieu Parish also saw a decrease, from 23.3 days in 2007 to 21.6 days in 2011. Calcasieu Parish also saw a decrease, from 23.3 days in 2007 to 21.6 days in 2011. In Jefferson Parish, the average length of stay remained essentially flat at 10 days. East Baton Rouge and Rapides Parish witnessed a slight increase in the average length of stay, from 13.4 to 15.5 days in East Baton Rouge and from 27.6 to 28.3 days in Rapides.

Average length of stay is important to analyze for four reasons: (1) detention is meant to be used only as a very *short-term* intervention to ensure that youth appear in court and do not reoffend; (2) detention is expensive and long lengths of stay only add to that expense; (3) extended stays in detention may indicate what are sometimes unnecessary delays in court processing, and (4) detention often produces worse outcomes for youth and families by exposing youth to more violent or delinquent youth.

**Figure 9: Average Length of Stay in Detention
EBR, Jefferson, Caddo, Calcasieu, and Rapides, 2007-2011**

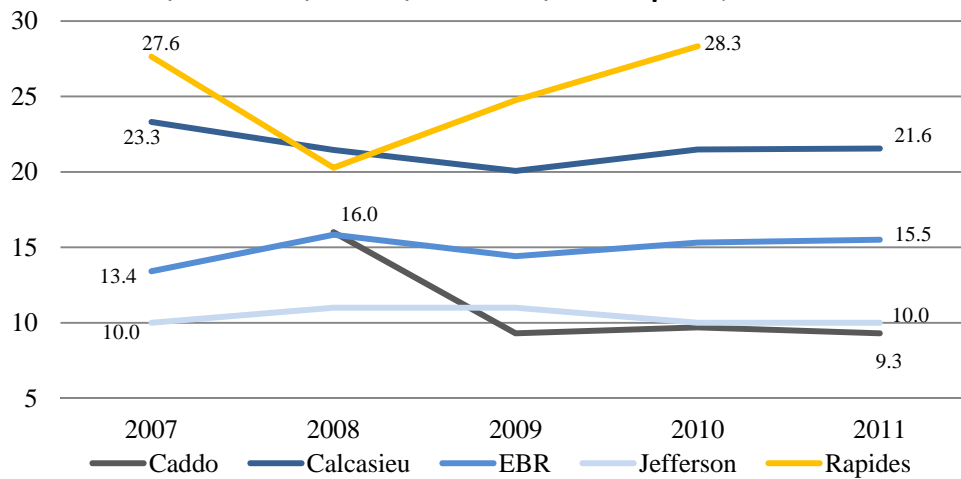
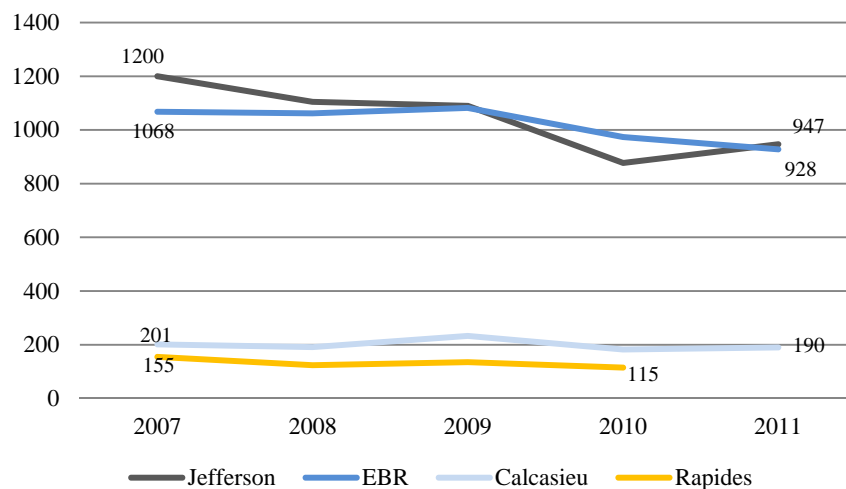


Figure 10 examines the number of African American youth admitted to detention in Jefferson, East Baton Rouge, Calcasieu, and Rapides parishes. Tracking detention admissions by race is critical in Louisiana where, historically, African American youth have been detained at a much higher rate than their proportion in the general youth population.

As indicated in Figure 10, the total number of African American youth admitted to detention decreased across these four jurisdictions during the applicable time periods. In East Baton Rouge, the number of African American youth admitted decreased by 13 percent, from 1,068 to 928. Jefferson Parish saw a 21 percent drop, from 1200 to 947 youth. In Calcasieu Parish, the number of admitted African American youth dropped from 201 to 190, representing a five percent decrease. And in Rapides Parish, admissions fell by 26 percent (data for Rapides was only available between 2007 and 2010).

**Figure 10: Number of African American Youth Admitted to Detention
Jefferson, EBR, Calcasieu, and Rapides Parishes, 2007-2011**



However, while the number of African American youth admitted to detention declined in these four parishes during the applicable periods, the proportion of African American youth detained has remained essentially unchanged. Youth of color continue to be overrepresented in detention. In East Baton Rouge, Jefferson, and Calcasieu, African American youth accounted for approximately 90 percent, 72 percent, and 67 percent of detention admissions, respectively.

Reform Efforts in Last Five Years

Juvenile justice leaders in select jurisdictions credit the decrease in detention utilization in their localities to:

- A change in philosophy and culture among local leaders and a shared agreement on the purpose of detention.

As illustrated in the previous section, between 2007 and 2011, a number of parishes significantly decreased their use of detention. The question then arises: What are the changes in policy, practice, and philosophy that may have led to those decreases? In interviews, local juvenile justice administrators along with national consultants consistently pointed to three related factors.

First, they described a shift in the culture of local juvenile justice systems (Caddo, Calcasieu, East Baton Rouge, Orleans, Jefferson, and Rapides parishes), specifically when it came to defining when detention was, or was not, appropriate. As part of the local reform efforts, each parish set out to ensure that they were using detention in line with state law and national best practice — in other words, *only* detaining youth who pose a significant risk of reoffending or failing to appear in court

“Detention should never be used for a scare tactic. It’s to keep kids who are a threat to the community off the streets... We had to rethink what we do with juvenile justice and how we do business.”

- Quote from Edwin Scott, Director of Edwin Scott, former director of Caddo’s Juvenile Services

Local leaders in Caddo, Calcasieu, East Baton Rouge, Orleans, Jefferson, and Rapides Parishes collaborated with, and received support and assistance from, national experts through JDAI and MfC.*

* Caddo, Calcasieu, East Baton Rouge, Orleans, and Jefferson are formal JDAI sites. In addition, Orleans received technical assistance support from the U.S. Department of Justice.

prior to their next hearing. Juvenile justice officials recognized that a number of young people were being detained for reasons that fell outside of those two types of risk (due to, for example, a lack of mental health or other social services in the community, the inability to locate a parent or legal guardian, truancy, or a desire to scare a youth away from further offending).

They then committed themselves to limiting the use of detention in an effort to better protect public safety (by focusing on the higher risk youth), respond more appropriately (outside of a detention facility) to young people who do not pose a risk to public safety but may need some

added level of supervision and/or support, and save taxpayer dollars. They did this with

the understanding that detaining low-risk youth is harmful, that detaining youth for long periods of time produces worse outcomes, and that the unnecessary use of detention is incredibly costly, both from a financial and social perspective.

- The development and implementation of detention risk screening instruments to guide decisions about who should, and should not, be detained.

Second, the development of detention risk screening instruments has allowed local sites to begin to meet the above goal of reserving detention for only those young people who pose a significant risk of reoffending or failing to appear in court. Through a consensus-based process that involved diverse juvenile justice stakeholders, Caddo, Calcasieu, East Baton Rouge, Orleans, Jefferson, and Rapides each developed a detention screening instrument for their particular jurisdiction, informed by a review of national detention risk assessment instruments and a discussion of what is most relevant and important on a local level.⁴²

Each of the locally-developed instruments includes a number of factors relating to legal history and offense severity. As with other national models, points are assigned to each factor, and a summary score places the young person in either a low-, mid-, or high-risk category.

In general, many of the parishes with a detention screening instrument primarily use the instrument at the “front door” of the detention facility to guide whether the young person is detained following a new arrest.^{43/44} In addition to informing detention

“The detention screening instrument has made a major impact... Creating the instrument took a lot of work in getting different players around the table, but it ultimately paid off by keeping kids who shouldn’t be in detention out.”

- Quote from Larry Spottsville,
Director of Juvenile Services at
Rapides Parish Juvenile Court

⁴² Rapides, Caddo, Calcasieu, Jefferson, and Orleans implemented their DSIs in 2008. East Baton Rouge followed in 2009.

⁴³ For example, in Calcasieu Parish, when a youth is arrested and the arresting officer is recommending detention, the call is handled by a MARC officer (during business hours) or a detention shift supervisor (after 11 p.m. and on Sundays) who performs the DSI “A” form over the phone (determining whether the youth will be brought to detention or the MARC). If the youth is being referred for a felony offense or if the youth is currently on probation supervision for a delinquent offense and he/she is being referred for a misdemeanor, he/she is sent to the detention facility to complete the second part of the screening process, the DSI “B” form. If the youth scores 12 or higher, he/she is admitted to detention, and appears in court within 72 hours or on the next available day (Tuesday or Thursday). If a youth screens in the scores between 0-11, he/she is asked to sign a Participation Agreement and a Promise to Appear form to appear in court for a hearing within 72 hours, and additionally goes directly to the MARC to complete a JIFF screening for needed, is reunited with his/her parents, and is placed in the appropriate alternative-to-detention program.

decisions, some jurisdictions have begun to use the instrument to identify youth who may be appropriate for court diversion.⁴⁵

(Note that all of the jurisdictions that have undertaken these reforms have their own detention center and so were able, with a great deal of determination, time, and energy, to work in close collaboration with the local judges and other stakeholders. For parishes that share a detention facility covering multiple courts and numerous judges, this work can come with added barriers.)

- The development and launch of alternative-to-detention programs in jurisdictions that have a detention center dedicated to their juvenile court.

Finally, several local leaders and national consultants pointed to the development of alternative-to-detention programs and services as a key contributor to the decrease in detention utilization in select sites. Again, as part of local grant work, and following national best practice, several parishes designed and launched creative alternatives to detention for those youth who do not pose a significant risk to public safety, or a serious risk of failing to appear in court, but, for various reasons, may need increased supervision pending their next court appearance. The use of these programs has helped reduce detention admissions and average daily populations, lower costs in detention facilities, and shield low or mid-risk youth from the adverse effects and stigma of incarceration.

In addition to formal detention alternatives, where the intervention is meant to target mid-risk youth who may need some level of additional supervision pending their next court appearance, some jurisdictions have also introduced alternative system processing strategies (rather than formal supervision programs) for youth who may pose little to no risk to public safety, but who, in the past, would have been detained. Caddo Parish, for example, implemented a Misdemeanor Referral Center to divert low-risk youth from detention.⁴⁶

⁴⁴ In Jefferson Parish, if a young person scores mid-risk on the DSI at the front door of the facility, detention staff initiate an alternative-to-detention referral, using the DSI score to determine the most appropriate alternative option: (1) pre-trial supervision, which involves periodic check-ins with a probation officer until the child goes to court; (2) supervision under the “trackers program”, which features home visits and daily phone calls by a contracted agency; (3) electronic monitoring; and (4) GPS monitoring.

⁴⁵ Using Calcasieu as an example again, when the arresting officer is recommending detention, the MARC Officer (during business hours) or a detention shift supervisor (after 11 p.m. and on Sundays) performs the DSI “A” form over the phone. If the youth is being referred for a misdemeanor grade offense and he/she is a first time offender, he/she is brought to the MARC, reunited with his/her parents, screened for needed services (using the JIFF), and the MARC Officer discusses the youth’s diversion options as well as the option for a court hearing. If diversion is accepted, the MARC Officer may choose to divert the case from further court involvement pending compliance with certain conditions, including participation in specific programs or interventions, community service, or restitution.

⁴⁶ Early on in the parish’s detention reform planning effort, with guidance from JDAI, local stakeholders learned that the parish was detaining a number of youth on misdemeanor offenses, with no history of failing to appear in

Louisiana enacted statewide juvenile detention standards to protect the health, safety, and well-being of youth placed in detention facilities.

With the conditions of confinement in some local detention facilities under scrutiny and a concern over the lack of oversight of, and accountability from, facilities statewide, the Louisiana State Juvenile Justice Reform Act of 2003 (known as Act 1225) called for, among other things, the development of uniform standards and licensing procedures for all local juvenile detention centers (standards had not been developed since the 1980s and were previously voluntary). However the entity charged with developing the standards was never created. (It was the intention of the authors of Act 1225 that a new single state entity would be created that would consolidate the various services for children, youth, and families. When that entity did not come to fruition, the call for the detention standards laid dormant, as did many other areas — for more information, see Part V: A Retrospective Look at Act 1225 of this report.)

In December 2007, JJPL, the advocacy group formerly involved in the 1998 joint lawsuit against the State, filed a class action lawsuit against the juvenile detention facility in New Orleans, the Youth Study Center.⁴⁷ Specifically, the lawsuit included allegations of locked fire doors with no available keys, insects and rodents biting youth, children with serious conditions being denied their medication, and suicidal youth not receiving mental health services.⁴⁸

In response to the ongoing need for statewide standards, Louisiana Models for Change provided technical assistance for a study resolution introduced by Senator Baldone during the 2009 legislative session, in which the Supreme Court Judiciary Task Force was tasked with studying the need for detention standards in Louisiana.⁴⁹ A study finding was issued, and in August 2010 the Louisiana State Legislature passed House Bill (HB) 1477, mandating that standards be developed, regulations promulgated, and centers licensed. As part of HB1477, the legislature charged the Louisiana Juvenile Detention Association (LJDA) with taking the lead in developing the standards, with the assistance and input from a statewide task force. It was

court. Upon arrest, law enforcement usually released these youth to their parents, but if an adult could not be located, the officer would bring the youth to detention. As such, young people were entering detention solely because no adult was available or willing to come get them at the time of their arrest. In 2007, the parish expanded the scope of a local truancy program that worked with school-aged youth picked up by local law enforcement during school hours on a truancy allegation to now also accept youth charged with a misdemeanor offense when no adult was available. The arresting officer can drop the young person off at the program, at which point staff works to locate a responsible adult, and provides transportation home when necessary.

⁴⁷ National Juvenile Justice Network, *Advances in Juvenile Justice Reform: Conditions of Confinement*, September 2012.

⁴⁸ In February 2010, two consent decrees were finalized to address conditions of confinement and education, which included the following provisions: increased staffing for the Youth Study Center; increased training of all staff on such issues as suicide prevention, behavior, and classroom management; improved healthcare, including prohibiting staff from denying medical care to youth and increased medical and mental health staffing; increased focus on programming, education, and physical recreation; and an increase of one social worker per unit. (Ibid.)

⁴⁹ House Concurrent Resolution 77 of the 2009 Louisiana Regular Legislative Session

required that the LJDA develop the standards by July 1, 2011; that DCFS, the social service and child welfare agency for the state, develop and disseminate — with input from the task force — rules governing the licensing of facilities by July 1, 2012; and that all facilities be licensed by January 1, 2013.⁵⁰ Louisiana Models for Change worked closely with the LJDA to develop a proposal for a two-year grant to the Calcasieu Parish Office of Juvenile Justice Services as Project Lead to assist detention standards development and training.

After months of hard work, on July 1, 2011, the task force completed the standards and submitted them to DCFS, at which point task force leaders and the LJDA worked with DCFS to create licensing language that meets, and protects, the standards.⁵¹ The final standards and licensing regulations went into effect on January 1, 2012. Facilities need to be fully compliant with the standards by July 2013 (amended from the original deadline of January 2013).

National experts have praised the standards for greatly raising the bar on the expected levels of safety, quality care, and accountability within detention facilities, something that many had been demanding for years. Indeed, outsiders looking into the state years ago were astounded to learn that facilities that hold, and have custody over, children were not required to be licensed or monitored in any meaningful way. The standards are a critical and laudable step with the goal that any young person who is placed in a detention facility, whether it is for one night or several months, is treated with dignity and respect, and provided with appropriate services and interventions.

Below are only a few of the requirements that all facilities must meet, as outlined in the standards. (A copy of the full standards can be found on the DCFS website.)⁵²

⁵⁰ LJDA is a voluntary organization, comprised of all the state's juvenile detention centers, that provides training and information to detention center staff statewide related to facility operations and management.

⁵¹ The Louisiana Juvenile Detention Standards Task Force was chaired by the JJPL and included representatives from diverse entities, including, but not limited to: State Juvenile Detention Association, State Public Defender Board, State District Attorney's Association, State Department of Children and Family Services, State Department of Education, State Department of Health and Human Services, State Council of Juvenile and Family Court Judges, State Commission on Law Enforcement, and local detention facilities.

⁵² Louisiana's detention standards contain detailed requirements and expectations in the following areas: licensing; administration (e.g., governance structure, policies and procedures); personnel (e.g., staffing patterns, recruitment, and performance reviews); staff training; classification and assessment (e.g., criteria for appropriate detention admissions, and intake processes); health care; access (e.g., to mail, to visitors); programming (e.g., education, recreation, religion); restraints, isolation, due process, and grievances; safety; environment (e.g., sanitation, housekeeping); physical plant (e.g., youth housing, medical facilities); and data collection and use. See full standards at:
<http://www.dcf.louisiana.gov/assets/docs/searchable/Licensing/Residential/Juvenile%20Detention%20Facilities%20Standards%202012-08-17.pdf>

- Allow monitors from DCFS to have access to all areas of the facility and to inspect every aspect of the facility’s function that has an impact on youth. A comprehensive (announced) on-site inspection is required prior to licensing; following that, annual (unannounced) visits and inspections will occur. If the facility is found to be in violation of any of the standards, or any other legal requirements, the license will be revoked.
- Use a standardized, validated mental health screening tool (such as the MAYSI-2) to identify youth who may be at risk of suicide or who may need prompt mental health services. Staff responsible for administering the tool must be trained and periodically retrained in its proper use.
- Prohibit the use of any restraints that are used for punishment, retaliation, harassment, intimidation, or as a substitute for room restriction or confinement. Prohibit the use of restraint chairs (a mechanical restraint known to have existed in the state prior to the standards) or chemical restraints (such as pepper spray or MACE).
- Maintain accurate data, including in the following areas:
 - *Admissions*: Demographic information (including age, race, ethnicity, gender, and Parish of residence), legal status and offenses of youth admitted to the facility.
 - *Operations*: Events data, including demographic information on youth released from the facility, use of restraints and isolation, average daily population, and average lengths of stay.
 - *Detention screenings*: Data (if the facility uses a DSI), including demographic information, offense data, and the use of overrides on youth screened.

Areas of Need and Related Recommendations

Based on the available data, a review of reports and public documents, interviews with both local and national practitioners and experts, and an understanding of national best practice, the following recommendation and related strategies are proposed.

As a prelude to the below recommendations and strategies, it is important to stress that the jurisdictions that have taken on detention reform can attest to the fact that these efforts take a great deal of time, energy, and collaborative planning, and have typically needed some level of outside foundation funding and technical assistance support to sustain these efforts. Louisiana should support and encourage this work directly where each detention facility exists and should do so while recognizing the different needs, resources, and infrastructures of various areas of the state. Some of the more rural areas may face challenges that more populous areas that have a dedicated facility may not. The presence of such challenges certainly does not preclude detention reform — indeed, JDAI has shown that such reform is possible in incredibly diverse areas of the country — but it does demand that there be attention paid to allowing for a locally-tailored approach in each area while staying true to the overarching principles and components of effective detention reform.

Area of Need: Not all detention centers utilize a detention risk screening tool to guide admission decisions.

Recommendation 5: Reform efforts, such as the use of detention screening instruments, represent best practices and should be mandated on a statewide basis.

As noted earlier, a few jurisdictions in Louisiana have had success safely reducing their use of juvenile detention; the introduction of standardized detention screening instruments was a critical factor in that success. The objective decision-making that is fostered through the use of formal screening is something that should be afforded to all young people who come into contact with the juvenile justice system, specifically those at risk of being detained. According to the survey conducted by Calcasieu Parish Office of Juvenile Justice Services, six of the 15 juvenile detention centers across Louisiana — namely, those mentioned in the previous section (Caddo, Calcasieu, Jefferson, Orleans, Rapides, and East Baton Rouge) — use objective screening instruments to guide detention decisions.⁵³ Local leaders state that some of the jurisdictions that rely on the other nine facilities are in the process of developing an instrument. The state (DCFS and LJDA) should support and encourage their efforts, and require that all facilities introduce a detention screening instrument into daily practice. That introduction, should, of course, be accompanied by training and quality assurance to ensure that the instruments are being designed and used in an appropriate manner. Quality assurance measures should similarly be required in the sites that have been using a detention screening instrument for some time now.

⁵³ Gottlieb, K., Childs, K., & Frick, P.J. (2013). Survey of Louisiana Juvenile Detention Centers. Unpublished draft report completed by the Department of Psychology at the University of New Orleans for the Louisiana Models for Change in Juvenile Justice project of the John D. and Catherine T. MacArthur Foundation.

Area of Need: While some jurisdictions have implemented alternative-to-detention programs, similar alternative options are not available statewide; the existence of such options is particularly challenging in smaller, more rural and under-resourced localities that share a detention facility.

Recommendation 6: The state should work collaboratively with local leaders to plan and explore funding options to create alternatives to detention in jurisdictions where those services do not currently exist, drawing on successful models in other areas of the state.

For the most part, the previously cited examples of detention alternatives that currently exist in Louisiana come from jurisdictions that (1) have a dedicated juvenile detention facility, meaning that the facility serves one juvenile court, and (2) received some sort of outside funding or technical assistance and support to help kick-start the planning and development process. In other areas of the state, including areas where detention facilities are shared across multiple jurisdictions and, therefore, multiple courts and judges, the development of such reforms has been more limited and comes with various challenges, not the least of which is limited resources and potentially more fragmented views and opinions (across jurisdictions/parishes that share a facility). Acknowledging these challenges is important. However, through careful planning, Louisiana can and should work to ensure that young people across the state, regardless of where they reside, have access to similar services and alternatives.

Rather than immediately mandating the existence of those options, the state (namely LJDA and DCFS) needs to work closely with local leaders to (1) identify the local needs — what types of alternative programs and alternative system processing is needed in each locality to ensure that youth who do not pose a risk to public safety are not detained (this may look different from one locality to the next); (2) identify funding strategies that could allow for the development of alternatives prior to the full cost savings of such alternatives being realized; and (3) allow for some discrete time for the localities to thoughtfully (yet efficiently) plan how best to launch the alternative interventions. Among the options that should be considered for serving status offenders or mentally ill youth include services provided through the new Louisiana Behavioral Health Partnership or creating local options for keeping youth at home, such as electronic monitoring.

Area of Need: The passage of the detention standards was a significant step in achieving the goal of safe and fair treatment of youth held in detention facilities; however, the real change will only occur through thoughtful and comprehensive implementation.

Recommendation 7: State, regional, and local leaders should ensure that the mandates in the detention standards are fully implemented and funded accordingly.

The Louisiana State detention standards are, without a doubt, one of the most important juvenile justice reform efforts in Louisiana over the last five years. With that being said, national experts and local leaders within the juvenile justice system know that, in the end, the standards will only be as good as their implementation. In other words, the success of the standards hinge on how well and how consistently local detention facilities implement them and how carefully the state monitors and enforces them. The call for standards was raised nearly ten years ago due to a troubling lack of oversight of, and accountability within, facilities that have temporary custody of youth as young as 10. Now that the standards exist, it is

**When developing or expanding the use of alternative-to-detention programs,
it is critical to keep two things in mind:**

1. Alternative-to-detention programs should only be used for youth who, but for the existence of the alternative, would have been detained. In other words, when first introducing an alternative to detention, admissions to detention should fall as admissions to the alternative rises. If a jurisdiction finds that alternatives to detention utilization has no effect on detention admissions (there is no inverse relationship), the locality may be “widening the net” of the alternative program by allowing in low-risk youth. This widening of the net is problematic—alternatives are costly, high levels of unneeded supervision for low-risk youth may increase the chances of the young people “cracking” under the pressure and getting violated and detained for minor misbehavior, and the purpose of the alternative has been lost.
2. Numerous slots in a formal alternative “program” are not always the answer. Sometimes, a jurisdiction can develop alternative system processing strategies that safely reduce the local reliance on detention without having to build large, resource-intensive programs. For example, JDAI has helped many jurisdictions across the country implement what they call “detention expeditors”—system personnel responsible for monitoring the detention roster and ensuring that youth do not stay in the facility any longer than absolutely necessary. Expeditors can help a locality cut-down on long lengths of stay in detention and find safe ways to streamline and make more efficient court processing without sacrificing due process protections for youth.

imperative that Louisiana make them more than a document that sits on a shelf. With so many different entities playing a role in this process — including the LJDA, which is charged with implementing the standards; DCFS, which is responsible for licensing the facilities; and JJIC, which must monitor the standards, it will be essential to establish a study or monitoring arm for the JJIC and a juvenile justice repository to ensure its success.

- **Area of Need:** While preliminary trainings have been conducted, much more training and support is needed now and over the long-term.
 - **Strategy 7-1:** The LJDA should draft a detailed plan for ongoing and long-term training of detention facility administrators and staff as well as evaluators within DCFS.

In early 2012, introductory trainings on the standards were held for DCFS staff who will play a role in the detention licensing and oversight process and for the administrators and staff members of the 15 local detention centers. While these initial trainings were important, they only represent the beginning of what should be an ongoing training and support process.

- **Area of Need:** While the detention standards mandate that detailed data be collected by each detention facility, there is no requirement to share that data with local or state entities or to actively and regularly review and use the data to inform planning efforts. Currently, Louisiana has no statewide data on how many youth are detained, what are the characteristics of detained youth, or how long they stay, calling attention to the need for a state-level juvenile justice data repository.
 - **Strategy 7-2:** The local facility data required via the detention standards should be collected and reported on a regular basis to the appropriate local agencies, the LJDA, DCFS, and actively used to inform local and state policy planning.

The requirement for detention facilities to collect detailed data on admissions, operations, and detention screenings is an important first step in helping facilities to have a clearer sense of their daily operations and the youth within their care. However, the *collection* of data is not enough. To foster transparency and accountability, facilities should be required to report and share the required annual data with appropriate local agencies and entities that have a stake in the juvenile justice system and a role in the lives of the young people who are detained, including the local department of probation, local social services office, the court, the district attorney's office, and defense attorneys, and, as appropriate, any relevant local advocacy groups. For detention centers that serve multiple jurisdictions, the data should be shared with all parishes and courts that rely on those facilities.

In addition, facilities should be required to share the data on an annual basis with DCFS, the JJIC and LJDA. While DCFS can conduct announced annual visits to the facilities and can demand access to the information during those visits, it is good practice to standardize the sharing of

such data outside of the need for inspections, visits, or explicit requests. One of the starkest data limitations in Louisiana, as outlined previously, is the lack of statewide data on the number of youth detained, the demographics and charges of those youth, and the lengths of their stay. These gaps in data can be addressed by requiring that the information that facilities will now need to collect be appropriately analyzed and reported on a regular basis to DCFS and LJDA. These agencies should also share this information with the JJIC on an annual basis.

Finally, in addition to requiring that facility data be shared with local and state entities, the state should help and support facilities to work with partner localities in actively reviewing and using data to identify areas of need, and design policy and practice reforms as needed. Importantly, the detention standards do require facilities to analyze and identify “areas that require improvement” and to maintain records on the “implementation of plans of action to improve in [those] identified areas.”⁵⁴ The localities that send the young people to the facilities should also be a part of the process of reviewing the data and crafting solutions.

Area of Need: There must be ongoing accountability and transparency to ensure the effective and full implementation of the standards.

Strategy 7-3: The LJDA and DCFS should provide an annual status report to the JJIC on the implementation and oversight of the standards, including summaries of the newly collected local and statewide data. Additionally, the JJIC should consider commissioning a follow up study on the overall use of detention in Louisiana, with yearly status reports of implementation and licensure.

It is critical that the JJIC be kept apprised of the implementation progress and of any challenges or roadblocks that arise. For that reason, the LJDA and DCFS leadership should be required to provide an annual report (verbal and written) to the Commission. The report should include a status update in each area of the standards and should include a summary of the data, statewide and broken down by detention facility.

⁵⁴ Department of Children and Family Services, Title 67, Part V, Subpart 8, Chapter 75, Juvenile Detention Facilities Licensing Standards, Effective August 1, 2012. Available online at: <http://www.dcf.louisiana.gov/assets/docs/searchable/Licensing/Residential/Juvenile%20Detention%20Facilities%20Standards%202012-08-17.pdf>

Area of Need: Some jurisdictions in Louisiana have begun to take a close look at their detention data to see if and why youth of color are over-represented in detention — such an analysis has not yet taken place statewide.

Strategy 7-4: Local and state leaders should begin to closely examine race and ethnicity data to ascertain whether disparities exist in the way that youth of color and white youth enter detention and in their lengths of stay.

The over-representation of youth of color in the juvenile detention system is a pervasive problem across the country. The previous recommendation of sharing and reporting detention data will allow Louisiana for the first time, to begin to get a picture of statewide detention admissions by race and ethnicity. The next step will be for the state and local leaders to work together to carefully examine that data in an effort to:

- Identify if and to what extent youth of color are *over-represented* in detention (looking at the proportion of youth of color in detention relative to their proportion in the general youth population); and
- Dig deeper into that potential overrepresentation to ascertain whether *disparities* (differences) exist in the treatment of, or response to, individuals who are similarly situated or who have common characteristics; and
- Make policy changes that will alleviate any disparities that are identified, promote fair and equitable decision-making, and reduce the profound impact of disproportionate minority contact on communities of color.

It is important to note that the second step outlined above — examine data to identify any racial disparities — demands time and energy, and will likely require data about not only the population of youth who are detained, but also the arrest and arraignment population, to understand why some youth are entering a facility and others are not.

Area of Need: Contrary to best practice, Louisiana law continues to allow jurisdictions to place FINS in detention facilities.

Recommendation 8: The state should enact legislation that disallows or limits FINS youth from being placed in detention and specifically requires the development of alternatives to detention for this population.

The Louisiana’s Children’s Code allows for the temporary secure detention of FINS youth. Following best practice in this area, youth who have not been charged with a crime should not be detained at any point and for any reason. Ultimately, Louisiana should enact legislation that disallows (or, at the very least, further limits) status offenders from being placed in a detention facility. To achieve this goal, the state should begin by enacting legislation that mandates the creation of alternatives to detention, calls for those alternatives to be created within a reasonable period of time, and then calls for elimination of detention within an additional period of time. (Some detention centers have already implemented this at no new costs, and in fact with cost savings.)

Point 3: Probation and Post-Dispositional Placement

This section looks at two dispositional (sentencing) options available to judges:

- Probation, when the youth is supervised by a probation officer while remaining at home and in the custody of his or her parent/guardian; and
- Placement, when a young person is placed in the custody of the state OJJ and enters a secure or non-secure facility.

The section begins by looking at probation, and then moves to placement, with some adjoining discussion of the state’s parole system.

Probation

National Context: Principles of Model Probation Systems

Probation is often referred to as the “workhorse” of the juvenile justice system.⁵⁵ Nationwide, juvenile probation departments play many different roles, acting as system gatekeepers who divert youth from formal court proceedings; court advisors who provide valuable information to guide the court in disposition decision-making; and service providers who supervise and support young people in their communities both during and after the court process has ended.

As states consider ways to limit juvenile incarceration and focus instead on rehabilitation and community-based treatment, probation has emerged as an important part of this discussion. Despite being constrained in recent years by high caseloads and limited or declining resources, the field has converged on some important principles and practices to guide good probation practice. These principles include:

Target Interventions Based on Youth’s Risk and Needs

Because juvenile probation agencies do not have direct control over the number of cases that pass through their doors, it is essential to develop strategies for allocating scarce fiscal and staff

⁵⁵ P. Torbet, *Juvenile Probation: The Workhorse of the Juvenile Justice System*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Justice Bulletin* (March 1996).

resources. In recent years, studies have indicated that correctional interventions can actually increase recidivism rates among low-risk youth,⁵⁶ driving new interest in the use of assessment and classification tools to help identify a youth's level of risk and need at different points in the court process.⁵⁷ The information generated by these tools can then be used by agencies to match youth to the level of supervision or services that will most likely lead to a positive outcome. Ultimately, such tools can promote standardized and objective decision-making, resulting in more equitable treatment of youth, and help ensure that youth are, in fact, being served in the least restrictive environment that is most appropriate for them.⁵⁸ (As noted previously, detention risk assessment instruments should not be confused with the tools described in this section, which are designed to measure longer-term recidivism and risk.)

Focus on the Practical Rehabilitation of Young People in Their Communities

As juvenile justice systems nationwide shift their focus away from punishment and toward helping young people change and grow, probation departments can play a critical role in giving youth opportunities and skills to become productive, law-abiding citizens.⁵⁹ This approach does not necessarily espouse attempting to “fix” every problem a young person has during his or her probation term; rather, it aims to prioritize areas for intervention and work with youth to build their strengths to achieve measurable goals in the areas prioritized as most impactful.⁶⁰

Hold Young People Accountable for Their Actions

Like other parts of the juvenile justice system, probation agencies must consider how youth will be made aware of the consequences of their actions and held accountable. Many jurisdictions have established graduated sanctions and incentives, which offer a range of responses for noncompliant and compliant behavior.⁶¹ Elsewhere, officials have incorporated a restorative justice component into their work, emphasizing restitution and community service as ways to help young people understand the real impact of their behavior on victims.⁶² When done well, this balanced approach can also provide an opportunity to teach and model respect for victims and involve them in decision-making.⁶³

⁵⁶ Christopher Lowenkamp and Edward J. Latessa, “Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders,” *Topics in Community Corrections* (2004), 6-8.

⁵⁷ American Probation and Parole Association. *Juvenile Probation in the United States: A White Paper*. (2000: 35-42)

Available at: <http://www2.courtinfo.ca.gov/probation/reference.htm#juvprobationus>.

⁵⁸ Ibid.

⁵⁹ Torbet, P. & Griffin, P., *Desktop Guide to Good Juvenile Probation Practice*, Developed by the National Center for Juvenile Justice for Office of Juvenile Justice and Delinquency Prevention (OJJDP), (2002: 3-4). Available online at: http://www.ncjj.org/pdf/DesktopGuide2002_full.pdf

⁶⁰ Ibid, 76.

⁶¹ Ibid, 77.

⁶² Ibid, 74-76.

⁶³ Ibid.

Establish Clear Goals and Regularly Monitor System Outcomes

Ultimately, probation departments must be publicly accountable for their performance. To do this effectively, it is important to closely examine how the system is serving youth who are currently entrusted to their care, as well as monitor the outcomes of youth who have been released.⁶⁴ Key to such efforts are system diagnostics, which can help jurisdictions understand whether their existing policies and practices are aligned with overarching goals, and outcome evaluations, which can provide a clearer picture of how well youth are doing upon completion of their probation terms. This type of information can be useful in identifying and addressing potential service and process gaps.

Local Context: Definition/Structure of Probation in Louisiana

Below is a very brief summary of the current statutory framework governing juvenile probation in Louisiana. A flow chart and glossary of terms (for probation as well as other points in the system) is included in Appendix B, along with a much more detailed summary of the legal and fiscal structure in Appendix C. It is important to note that both the abbreviated and full summaries are not meant to act as a qualitative assessment of these legal frameworks or how the system actually plays out in practice; rather, they are simply to provide the reader with a context for the latter sections on data, reforms, and recommendations.

Probation generally refers to a legal status under which adjudicated youth who come into contact with the juvenile court system may remain in the community, provided they meet certain conditions and restrictions imposed by a judge. Although the Children’s Code notes that probation officers may supervise youth charged with delinquency offenses who voluntarily enter into agreements with the District Attorney’s office prior to being adjudicated (known as Informal Adjustment Agreements), their primary involvement in both FINS and delinquency cases occurs post-adjudication and post-disposition.

Once a youth has been adjudicated as FINS or delinquent, probation officers are charged with preparing a pre-dispositional investigation, which evaluates and summarizes information about the youth and his or her family that may be helpful in determining an appropriate disposition. The results of the investigation are included in a report submitted to the judge, who can use this information along with other evidence to choose the disposition that is “consistent with the circumstances of the case, needs of the child, and best interests of society.”⁶⁵ Among the possible dispositional alternatives for FINS youth include being placed on probation with terms

⁶⁴ Kurlycheck, M., Torbet, P., & Bozynski, M. (1999). Focus on Accountability: Best Practices for Juvenile Court and Probation. Juvenile Accountability Incentive Block Grants Program Bulletin, U.S. Department of Justice, OJJDP <https://www.ncjrs.gov/pdffiles1/177611.pdf>

⁶⁵ La. Children’s Code Ann. art. 781(A).

or conditions⁶⁶; similarly, delinquent youth may either be placed on probation for a specified period of time, with rules and regulations or be ordered to a suspended sentence with probation.⁶⁷ The length of time that a youth is on probation may vary, depending on their adjudicated offense.⁶⁸ Following a disposition of probation, probation officers must regularly report back to the court at least every six months.⁶⁹

In Louisiana, both the juvenile court and probation systems have multiple components that may be the responsibility of the state, parish, or city government. In four urban parishes (Caddo, East Baton Rouge, Jefferson, and Orleans), delinquency matters are heard by a constitutionally-established juvenile court.⁷⁰ In the rest of the state, district courts and/or parish/city courts exercise jurisdiction over these cases.⁷¹ Some district courts have created specialized sections to handle juvenile and/or domestic relations cases, such as the 14th Judicial District (Calcasieu Parish) which has established a unified family court.⁷²

Louisiana's OJJ funds and oversees juvenile probation programs. In most parts of the state, adjudicated FINS and delinquent youth receive probation services through one of the agency's 11 regional offices. OJJ probation and parole officers (PPOs) in the regional offices serve as the youth's primary case manager and single point of contact throughout their involvement in the system. Additionally, five parishes — Caddo, Calcasieu, East Baton Rouge, Jefferson and Rapides — also operate and fund their own juvenile probation departments. Both OJJ and local probation officers have similar responsibilities, including conducting pre-dispositional investigations, providing supervision, and coordinating services for youth as needed.

⁶⁶ La. Children's Code Ann. art. 779(A)4.

⁶⁷ La. Children's Code Ann. arts. 897, 899. Under the second disposition, youth are committed to the custody of the State Office of Juvenile Justice (OJJ) for a specific period of time, but then suspending the sentence and requiring the youth to successfully complete probation

⁶⁸ La. Children's Code Ann. arts. 898(A), 900(A).

⁶⁹ La. Children's Code Ann. art. 905(B).

⁷⁰ Gregg Halemba, Gene Siegel, Charles Puzzanchera, and Patrick Griffin. *Louisiana Models for Change: Background Summary*, National Center for Juvenile Justice (2006: 6).

⁷¹ Gregg Halemba, Gene Siegel, Charles Puzzanchera, and Patrick Griffin. *Louisiana Models for Change: Background Summary*, National Center for Juvenile Justice (2006: 6).

⁷² Ibid.

Data Summary: Where are the Youth?

This section begins with a description of available data for state (OJJ) probation cases, and then follows with a snapshot of data from the five parishes that operate their own local probation services.

Probation Data Availability

The Office of Juvenile Justice (OJJ), with technical assistance from Louisiana Models for Change, has substantially improved its data capabilities over the past five years. In the past, the only trend data available from OJJ (then known as OYD) were single day population “snapshots.” Over the past five years, OJJ has migrated to a new web-based system (JETS) that has merged its client population and case management data with its (previously separate) case notes database. The agency has also worked to develop a sophisticated “data warehouse” that can produce a wide range of important information, including statewide, regional, parish, or court-specific data.

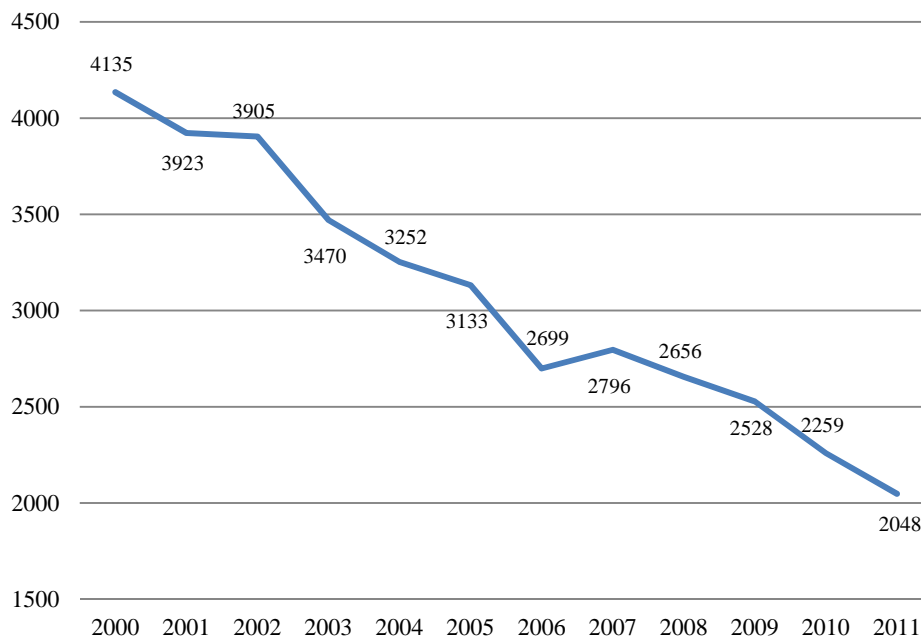
As noted previously, OJJ provides probation services in all but five parishes in Louisiana—Caddo, Calcasieu, East Baton Rouge, Jefferson, and Rapides. Local probation data were provided by each of these sites, though for some charts there were only readily available data from four of the five jurisdictions.

State Probation

OJJ differentiates between youth placed on probation in response to delinquency adjudication and youth placed on probation solely due to FINS adjudication.⁷³

Figure 11 indicates that the average daily population of youth on OJJ probation due to delinquency matters decreased by 50 percent between 2000 and 2011 (from 4,135 to 2,048), with a 24 percent decrease between 2006 and 2011.

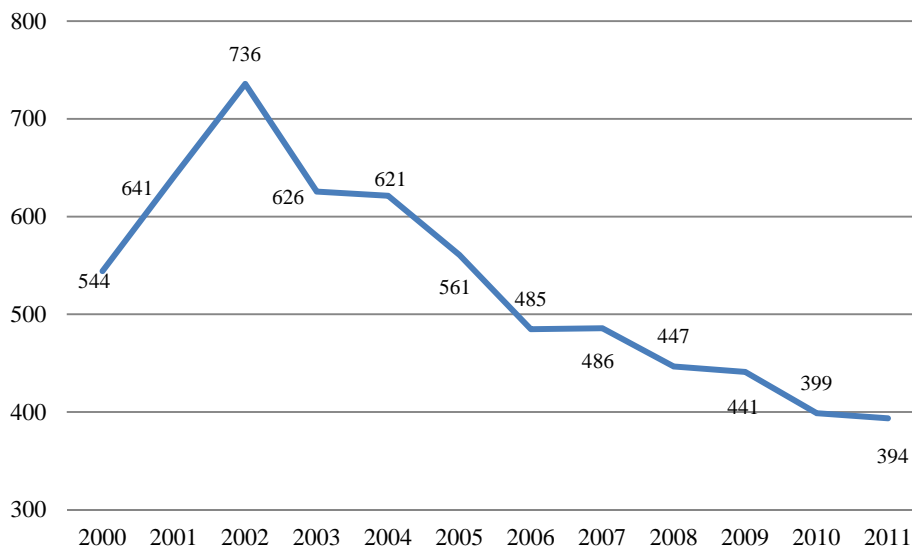
**Figure 11: Average Daily Population:
Delinquency Probation, 2000-2011**



⁷³ In some instances, youth are placed on probation supervision for a combination of delinquency and FINS charges. These youth are considered placed on delinquency probation.

With the exception of a spike between 2001 and 2002, the same is true for the average daily population of youth on OJJ probation supervision due solely to a FINS matter. Data presented in Figure 12 reveal that **the average daily population of youth on FINS probation decreased by 28 percent between 2000 and 2011, with an 18 percent decrease between 2006 and 2011 alone.**

**Figure 12: Average Daily Population:
FINS Probation, 2000-2011**

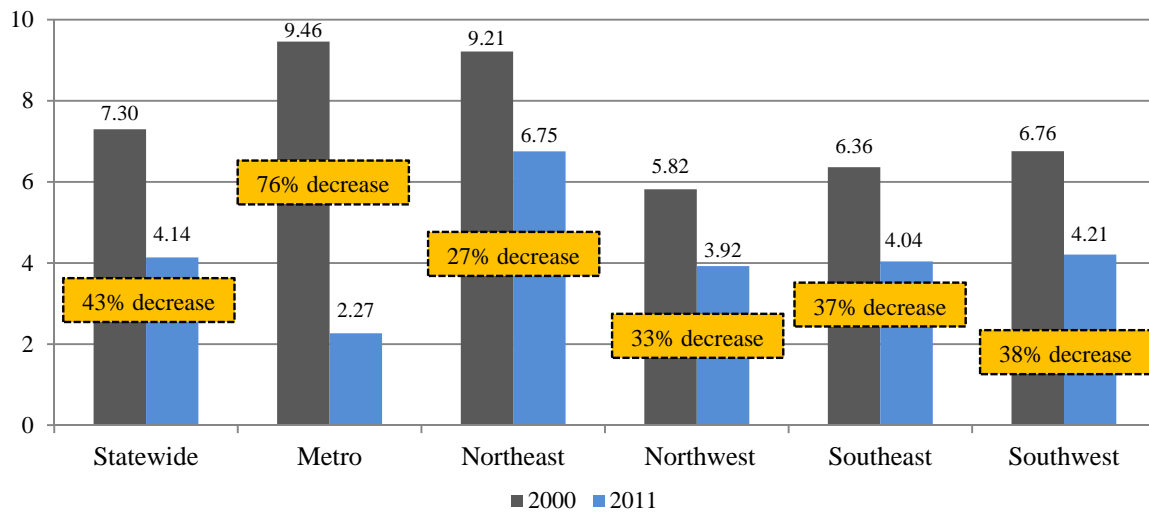


Next, this section of the report examines statewide and regional rates of youth on OJJ probation. That is, the average daily population of youth on probation per 1,000 youth in the overall population.⁷⁴ As noted previously, rates provide a more accurate point of comparison across years and across geographic regions as they take into account annual population changes. For purposes of sharing data in this report, parishes have been divided into five regions — Northeast, Northwest, Southeast, Southwest and Metro. (These regions do not parallel the ones defined by OJJ for operational and service-coordination purposes. See Appendix D for a listing of the parishes included in the five regions used in this report along with parish-level probation data.)

⁷⁴ The rate is calculated on the annual number of youth ages 10-17 statewide and in the five statewide regions.

As illustrated in figure 13, the rate at which youth entered OJJ probation on delinquency matters decreased statewide, and in each of the five regions, between 2000 and 2011. A daily average of 7.3 youth per 1,000 youth in the state (ages 10-17) were on OJJ delinquency probation supervision in 2000. This statewide rate dropped to 4.1 in 2011 — a decrease of 43 percent. On the local-level, the most notable decrease (76 percent) occurred in the Metro region, a four-parish region that includes Orleans, Jefferson, St. Bernard, and Plaquemines parishes.⁷⁵ The four remaining regions of the state experienced rate decreases of 27 to 38 percent.

**Figure 13: Average Daily Delinquency Probation Rate
 Statewide and by Region Comparison, 2000 versus 2011**
(per 1,000 Youth ages 10-17)

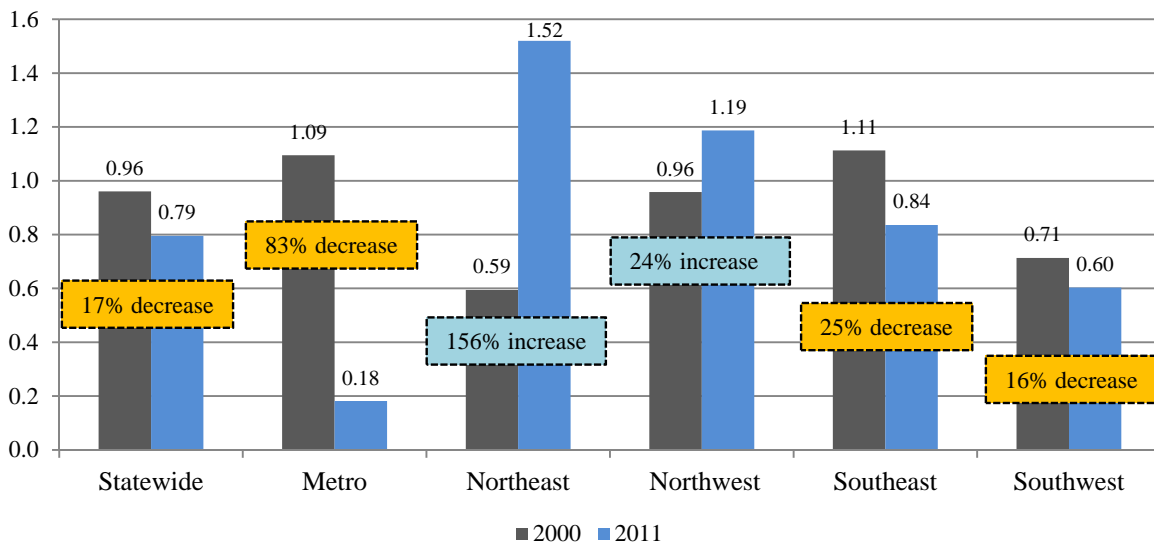


⁷⁵ While a decrease in the actual average daily number of youth on OJJ delinquency probation supervision might be expected given population decreases in these parishes after the 2005 hurricanes, a similar decrease in delinquency probation rates is not. What this rate reflects is that even after taking into account decreases in the overall number of youth ages 10-17, the average daily population of youth on OJJ probation supervision dropped by 76% in CY2011 when compared to CY2000.

Figure 14 provides average daily FINS probation rates statewide and by region. These data indicate that **the average daily FINS probation rate decreased statewide (by 17 percent) and in three of the five regions** (the Metro, Southeast, and Southwest regions, by 83 percent, 25 percent, and 16 percent, respectively). The Northwest and Northeast regions, on the other hand, experienced 24 percent and 156 percent increases, respectively.

**Figure 14: Average Daily FINS Probation Rate
 Statewide and by Region Comparison, 2000 versus 2011**

(per 1,000 Youth ages 10-17)



Local Probation

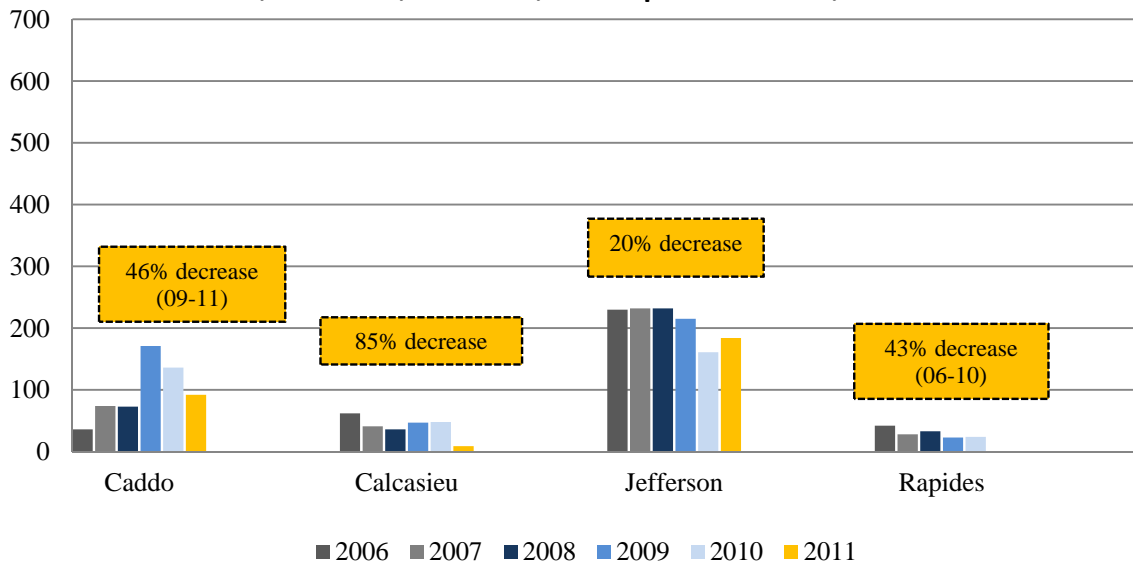
As noted previously, Caddo, Calcasieu, East Baton Rouge, Jefferson, and Rapides parishes provide their own local probation services (i.e., most youth on probation in these jurisdictions are supervised by local probation officers, not OJJ).⁷⁶

There has been a general declining trend in the number of youth placed on local probation for delinquent acts in these four parishes. Caddo and Calcasieu witnessed a 46 percent and 63 percent decrease, respectively, between 2006 and 2011. Jefferson saw a 15 percent decline between 2007 and 2011, and Rapides saw a 27 percent drop between 2008 and 2010 (the most recent year that data was available).

⁷⁶ Rapides Parish data cover 2006-2010.

Figure 15 reflects the number of youth placed on local probation for FINS in four of the five local probation sites. As illustrated, **there has been a significant decrease in the number of youth placed on probation for formal FINS across the four reporting parishes, with Calcasieu Parish experiencing the most dramatic decrease (85 percent).**

**Figure 15: Youth Placed on Probation for FINS
 Caddo, Calcasieu, Jefferson, and Rapides Parishes, 2006-2011**



Reform Efforts in Last Five Years

Note, because OJJ provides probation supervision (in all but five parishes) as well as placement services, some of the reform efforts described in this section of the report overlap, in part, with efforts described further on, in the placement section.

State and local probation offices adopted a validated risk and needs assessment tool, the SAVRY, for assessing youth. The tool has helped departments develop improved case plans, and better manage caseloads and allocate supervision time.

In 2006, several Louisiana Models for Change grant sites decided to identify and adopt a validated risk assessment tool that would help the agency’s probation staff to (1) make informed and objective dispositional recommendations to the court (so that youth who pose a significant risk to public safety are removed from their homes and families) and (2) design thoughtful and tailored case management plans for those youth who were placed on probation supervision. After an in-depth review of available tools, each local grant site selected (on their own and independent of the other sites) the SAVRY (Structured Assessment of Violence Risk in Youth), a scientifically-sound violence risk assessment tool. Caddo implemented the SAVRY first, followed by Jefferson, and later, Calcasieu and Rapides Parishes.

Around this same time, OJJ was offered technical assistance by Louisiana Models for Change and began to also explore adopting a tool to use for adjudicated juvenile offenders. As with the local sites, the state agency chose the SAVRY. By 2010, each of the 11 OJJ regional offices had implemented the SAVRY. By March 2012, the SAVRY was fully implemented in each of the five local probation offices, including the final site in East Baton Rouge Parish.

By using the SAVRY statewide (in both local and state probation offices), staff are able to better manage their caseloads — allocating the most intensive resources for the youth with the highest risks and needs — and improve the quality of their case plans by making sure that they are informed by the specific circumstances and needs of the youth and his/her family. This is an excellent example of how local reform efforts can be replicated statewide. For the first time ever, Louisiana has a validated tool for post-adjudication assessments of youth on probation.

Below is a description of the reform activities associated with the statewide SAVRY implementation (with a few exceptions, the description comes directly from a Louisiana case study included in *Risk Assessment for Juvenile Justice: A Guidebook for Implementation*).⁷⁷

- *Drafting new state policy.* OJJ put into place new policies to guide the pre-dispositional and post-dispositional assessment and recommendation process. The policies include: (1) procedures for when the SAVRY would be conducted with youth (for example, the instrument is to be administered on all adjudicated youth as part of the pre-dispositional investigation and report, and should be updated every six months or after any major life changing event for any youth placed on probation supervision); (2) guidance on how the SAVRY risk level should be used to assign a level of supervision for youth on probation (for example, high risk cases are to be assigned to a maximum level of supervision and low risk cases may receive minimal supervision or a deferred disposition, with no formal supervision required); and (3) guidance on how the SAVRY should be used to identify the top three need areas for interventions listed in a case plan, with a maximum of three need areas to be addressed by a service at any one time.
- *Creating a pre-disposition report template.* The state modified its existing pre-disposition report template to include standard questions that should be asked of youth and parents in order to accurately complete the SAVRY, along with a standard format for communication of SAVRY results to the courts.
- *Modifying case plans.* Each office's case plan format was revised to include specific areas of need. Probation officers were instructed to indicate the services and supervisory obligations assigned to address each need.

⁷⁷ Vincent, G. M., Guy, L. S., & Grisso, T. (November 2012). *Risk Assessment for Juvenile Justice: A Guidebook for Implementation*. MacArthur Foundation.

- *Developing a service matrix.* Each local probation office and OJJ regional office developed their own service matrix to act as a guide for probation officers to help ensure that youth are matched with services that are most appropriate for the level of risk and identified needs of the youth. This includes diverting youth from services that are unnecessary or would be inappropriate, thus both saving state dollars and also limiting low risk offenders exposure to unwarranted treatment and higher risk youth.
- *Conducting training and reaching out to stakeholders.* Each of the OJJ regions, along with the local probation offices that have implemented the SAVRY received training on how to administer and effectively and actively use the instrument to guide informal case planning.
- *Collecting data.* Every data management system in the state was enhanced to generate similar SAVRY and outcome data reports that should be completed quarterly.

Several local probation departments are doing a better job at collaborating with local planning boards and other agencies to advocate for and facilitate access to services, using the SAVRY.

The five local probation departments have embraced collaboration with other agencies and entities that serve children in families as a way to best access the needed services for youth under supervision, in particular increasing partnerships with local Children and Youth Planning Boards (CYPBs). In East Baton Rouge, the probation department administrators meet regularly with the local Children and Youth Planning Board in order to discuss the full array of services that are available in the parish and facilitate the work that needs to be done to provide assistance to select categories of youth in need. In Jefferson Parish, local leaders have enhanced collaboration through the development of a memorandum of understanding, an agreement that binds virtually every local and state agency dealing with children in the parish.

In addition to the efforts of the local probation offices, the directors of OJJ’s regional offices sit on local planning boards.

Some local departments have developed graduated response grids for technical violations of probation to decrease the use of institutional placement.

Some local probation departments in Louisiana are developing and employing graduated response grids to guide how probation officers respond to violations of probation. In doing so, they are following the lead of many jurisdictions across the country that have instituted such administrative response grids after learning that a large number of out-of-home placements (and detention admissions) were occurring as a result of what are known as “technical” violations of probation — violations defined by non-arrest behaviors, such as skipping school or failing to attend counseling or other services. In an effort to provide probation officers with a wider range of options for internally responding to youth who are misbehaving prior to

returning to court and recommending placement, jurisdictions have identified common areas of misconduct and categorized them into low/medium/high levels, with discrete administrative responses assigned to each level.

East Baton Rouge, Jefferson, and Rapides Parishes have all adopted a response grid in the last five years. Some local sites, such as Jefferson Parish, are working to ensure that the response grids not only define sanctions for misbehavior and violations, but equally provide the young person with positive reinforcement and incentives for good behavior. (Note, it was not within the purview of this report to assess the quality of the grids or the extent to which they are actively used to inform and guide decisions.)

Calcasieu Parish became the first probation department to separate FINS youth from delinquency probation caseloads — providing, instead, case management services tailored for status offending youth and their families.

Historically, as is the case in most jurisdictions in Louisiana, probation officers in Calcasieu Parish had supervision caseloads that consisted of both adjudicated FINS and delinquency cases. In large part, there was no distinction between the two types of cases and no separate training for how to respond to FINS youth as young people who had not committed a crime. In an effort to create a more unified system for responding to status offending youth and their families, one that is in line with the Parish’s Informal FINS approach to try to keep these youth away from the formal juvenile justice system as much as possible, Calcasieu leaders separated FINS cases from delinquency probation caseloads. Now, FINS officers in the Parish oversee both informal and formal cases and focus more on services and supports to families, rather than simply supervision. (Note, the Parish also recognizes that, in many respects, the challenges and needs that delinquent youth face are often very similar to those faced by FINS youth, and that all young people should be offered services and support, as appropriate to their particular case.)

Jefferson Parish and the OJJ regional office use “joint staffing” prior to revocation for youth on probation.

In the five parishes that administer local probation, there is sometimes minimal communication between the local probation office and OJJ when it looks like a young person may be approaching a probation revocation and moving towards an out-of-home placement. To remedy that and to ensure that all options have been exhausted prior to sending a young person to state custody, Jefferson Parish and OJJ collaborated — beginning several years ago — to institute “joint staffing” on cases that may be nearing a probation revocation. In these cases, local probation officers and administrators meet with OJJ regional representatives to discuss the case, the various strategies that have been attempted to date to keep the young person safely at home and in the community, and to collaboratively identify any not-yet attempted options. In some cases, OJJ may have access to resources or services that the local parish does

not, or may have fresh ideas — as a new entity to the case — about what to try. This joint endeavor has helped strengthen the relationship between the locality and the state and, most importantly, has helped minimize the rate at which youth on probation are removed from their homes and families.

Areas of Need and Related Recommendations

Based on the available data, a review of reports and public documents, interviews with both local and national practitioners and experts, and an understanding of national best practice, the following recommendation and related strategies are proposed.

Area of Need: While many improvements have been made at both the state and local level, much more can and should be done to ensure the most appropriate and effective probation practices possible.

Recommendation 9: Local and state probation offices should further improve their capacity to match youth with appropriate services and provide individualized interventions aimed at reducing recidivism and limiting use of out-of-home placement.

Area of Need: While some jurisdictions and OJJ regional offices have done a good job of collaborating closely with local planning boards, this practice is not evident statewide.

Strategy 9-1: State and local probation departments should build and encourage collaboration with local planning boards that are functional to aid in the development of appropriate services for youth under supervision. In jurisdictions where Children and Youth Planning Boards do not exist, state regional offices should collaborate with their fellow state and regional agencies.

Some local probation offices are increasingly collaborating with Children and Youth Planning Boards to ensure that they are abreast of all the services and resources available to the young people and families they serve. Understanding that families with young people who are acting out — whether through status offending behavior or acts of delinquency — are often faced with myriad challenges that span the responsibility and expertise of local and state organizations, it is imperative that this practice of collaboration and communication be required statewide. All OJJ regional offices and local probation departments should have a consistent and active presence in local Children and Youth Planning Boards.

Area of Need: Some jurisdictions, while they may complete the SAVRY, do not fully utilize the SAVRY outcomes to directly inform and guide decisions as to the levels of supervision youth need and the services they require.

Strategy 9-2: The state should ensure that the “juvenile justice system” as a whole — at the state and local level — actively use the SAVRY to guide dispositions, case plans, case management, and treatment throughout supervision.

A screening or assessment tool is only as good as its use. In other words, completing the form is not best practice — *using* the completed form to guide and inform decision-making is. As noted earlier, Louisiana should be proud of its statewide adoption of a standardized and validated assessment tool for probation supervision, the SAVRY. However, the state must be vigilant in ensuring that the tool is actively used and not simply completed and recorded. Statewide data should regularly be analyzed to assess how many youth are scoring low, moderate, or high risk on the SAVRY and what the case outcomes are for those cases. Are low risk youth being placed on the least restrictive level of probation? If not, why, and what can be done to move in that direction? As part of this recommendation, the state should identify jurisdictions that may need help and support effectively using the SAVRY, and provide such support, as needed.

Area of Need: In many cases, little communication occurs between the local probation office and OJJ prior to a probation revocation and recommendation for placement.

Strategy 9-3: When a youth is struggling on local probation, the locality should jointly “staff” the case with OJJ and see if more intensive services may be offered before placement is considered.

As outlined earlier, Jefferson Parish and OJJ have collaborated to institute “joint staffing” on cases that may be nearing a probation revocation, to explore and utilize all appropriate and available options prior to an out-of-home placement. It is recommended that this practice be instituted in each of the five parishes that administer local probation services and supervision.

Area of Need: Probation officers have the discretion to request to a judge that a youth be released early from probation; that discretion is not utilized as often as it could be.

Strategy 9-4: The length of probation should be driven by the progress of the youth; re-assessment of the young person should take place on a regular basis.

As outlined in Appendix C, which continues the statutory overview of placement, a probation officer may request to modify or discharge the conditions of probation at any time, if they feel the case merits such a request, by filing a motion with the court. Currently, this probationary

discretion to request a discharge from probation is not utilized as often as it could or should be. It is recommended that probation officers conduct regular, intensive reviews of cases to examine the level of progress of the youth and to identify whether the young person can safely be released from probation supervision. At the very least, these reviews — including a revised completion of the SAVRY to see if the risk level has changed following interventions and services — should occur every six months. However, a more informal review (without a new SAVRY needing to be completed) should be done more frequently — ideally, every three months. Young people who are required to stay on probation supervision long after having shown that they are complying and improving, both in risk level and in overall functioning, are apt to become frustrated and confused by the lack of tailored response.

Area of Need: While some local probation offices have instituted graduated response grids in an effort to limit the use of out-of-home placement, this practice is currently not followed statewide.

Strategy 9-5: Graduated response policies and practices for technical violations of probation should be developed and used statewide.

National practice has shown that policies and practices that introduce objective and standardized administrative responses to technical violations of probation can help triage violations according to severity and greatly reduce the unnecessary use of detention. It is recommended that all probation offices — at both the state and local levels — develop or adopt existing graduated response policies and practices. Even more importantly, however, it is recommended that probation offices effectively implement those practices to ensure that they are more than a “grid” on paper and become an actual change in practice and behavior.

Area of Need: A fixed and lengthy list of standard conditions of probation is sometimes an obstacle to creating and tailoring meaningful conditions, based on the young person’s risk and needs.

Strategy 9-6: State and local probation departments with the support of their court systems should develop and allow the use of individualized terms and conditions of probation that are tailored to a youth’s particular risk, needs, and circumstances.

Nationally, many jurisdictions that have developed and implemented graduated response grids have simultaneously shortened and streamlined the standardized terms and conditions of probation (those that apply to *all* cases) and allowed for more tailored and individualized terms to be added, as needed. They have done so with the understanding that a long, exhaustive, and highly detailed list of standard terms and conditions often makes it difficult for probation officers to develop a case plan that is truly based on the needs and risk of that particular young person and his/her family. It also often sets up youth and probation officers on a fast track to violations. For example, if a standard list of conditions includes something to the effect of,

“arrive to school on time and attend school every day,” and a youth who, prior to probation, was missing three out of five days a week of school, but is now arriving late two mornings but otherwise has greatly improved his overall attendance, those two late arrivals places the probation officer in a precarious situation of having to report back to the judge and potentially “violate” the youth, possibly leading to a stay in detention.

Jefferson Parish has revised its standard conditions of probation to allow for a more tailored approach, one that keeps public safety front and center and simultaneously recognizes that each youth has different needs and circumstances.⁷⁸

Area of Need: Following adjudication, FINS cases are often placed on probation and treated no differently than delinquent youth.

Recommendation 10: Adjudicated (“Formal”) FINS should be placed outside of the traditional delinquency probation system, with a plan to appropriately meet the unique needs of status offending youth and their families.

As an extension of the previous discussion of Informal FINS, Louisiana should do everything in its power to prevent status offending youth from penetrating the formal juvenile justice system (i.e., entering court and being adjudicated). Simultaneously, the state should improve the way it responds to and treats those youth who do penetrate the system. As noted earlier, in many jurisdictions in Louisiana, adjudicated FINS youth are often placed on probation supervision caseloads alongside delinquency cases, with little to no distinction between the two. Calcasieu Parish’s approach to formal FINS cases — removing these youth from delinquency probation caseloads, placing them under the purview of the same FINS officers who respond to Informal FINS referrals, and providing them with tailored and appropriate services — should be

⁷⁸ Jefferson Parish’s new standard conditions of probation for delinquency cases states to the youth the following:

- Do not violate state, federal, or local parish ordinances.
- Keep your Probation officer informed concerning all important changes in your personal status, including address and phone number changes.
- Do not leave the jurisdiction of this Court without permission.
- Do not possess or use drugs or alcohol.
- Do not have in your possession a firearm or dangerous weapon, which includes any gas, liquid, or other substance or instrumentality, which in the manner used, is calculated or likely to produce death or bodily harm.
- Do not leave your home or other place of residence without permission of your parent or legal guardian.
- When notified to report to your probation officer, do so promptly. If you cannot keep your appointment, immediately contact your probation officer.
- You must abide by any sanctions or directives imposed by your probation officer.
- You are required to wear the complete uniform of the school you last attended to all Court appearances and office appointments.

It then provides a space for the officer to describe the “special conditions” based on the young person’s current level of risk and areas of need (the level of risk and areas of need may change with time).

considered by localities as a best practice and instituted statewide by OJJ, should they remain the primary placement for adjudicated status offenders.

POST-DISPOSITIONAL PLACEMENT AND PAROLE

National Context: Principles of Model Placement/Parole Systems

Each year, tens of thousands of young people who are found guilty of committing a crime are placed in state custody and sent to publicly- or privately-operated facilities. These facilities are charged with ensuring the safety and well-being of youth entrusted to their care. Yet, as documented in the numerous lawsuits filed in states across the country, they are often plagued by violence and abuse, high staff turnover, and limited meaningful services and programs to promote youth development.⁷⁹

Such stories are particularly disturbing, considering that many youth may not have needed to be confined in the first place. Nationwide, placements of youth in juvenile correctional facilities are often driven by a lack of appropriate services in the community, rather than the severity of their offense or risk to public safety.⁸⁰

Meanwhile, states regularly spend the lion's share of their juvenile justice budgets on housing youth in placement facilities, but the high cost of confinement often does not produce better outcomes for youth. Even with variations in how states define and measure recidivism, studies show that rearrest rates of up to 75 percent are common three years after release from juvenile facilities.⁸¹ Once released, young people face an inherently challenging transition back to their communities and families. Returning youth frequently contend with less structured environments and have difficulty reenrolling in school, finding employment, or, for those who lack an adult caregiver, locating a suitable home.⁸² Many also cope with substance use or mental health issues without adequate services to address them.⁸³

In light of these realities, the importance of a youth's placement and aftercare experience in laying the foundation to become a productive, law-abiding citizen cannot be understated. Jurisdictions nationwide are now recognizing the value of both reducing their reliance on institutional placement and rethinking their approach for caring for youth who do require confinement for public safety reasons.

⁷⁹ The Annie E. Casey Foundation, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, Issue Brief, (2011): 3.

⁸⁰ Ibid.

⁸¹ The Annie E. Casey Foundation, Expanding JDAI's Focus to Reduce Commitment to Placement

⁸² Snyder, 2004, p. 39-55; Margaret Beale Spencer and Cheryl Jones-Walker, "Interventions and Services Offered to Former Juvenile Offenders Reentering Their Communities: An Analysis of Program Effectiveness," *Youth Violence and Juvenile Justice* 2, no. 1 (2004): 88-97.

⁸³ Grisso, 2008, p. 146-147, 155-159; and Laurie Chassin, "Juvenile Justice and Substance Use," *The Future of Children* 18, no. 2 (2008): 173 and 177-178.

Ohio and Illinois, for example, have cut their juvenile corrections populations and produced better outcomes for youth and families by investing in cost-effective, community-based alternatives to placement and reserving expensive placement beds for individuals who pose a significant risk to public safety. These alternative programs, designed to address the underlying causes of delinquency without severing a youth's ties to his or her family and community, have been shown to decrease recidivism rates.⁸⁴

Elsewhere, officials are seeking better outcomes for those youth who are institutionalized by improving conditions and services within facilities. Missouri, which has been the national leader in the juvenile corrections field for more than two decades,⁸⁵ provides youth with education, group and family therapy, and opportunities for youth development in small, home-like facilities that are close to their home communities. Staff members in Missouri facilities rarely use physical force when conflicts arise and offer an array of supports to help youth transition back to their communities after placement (For more information on the Missouri model, see the text box following this section). This rehabilitative approach has been shown to better protect public safety and produce more impressive outcomes than punitive alternatives: not only do youth released from the Missouri system have low rates of further juvenile and criminal justice involvement, but they also show improved educational outcomes and family functioning.⁸⁶ These promising results have prompted other jurisdictions, including Louisiana, to follow Missouri's lead and revamp their approaches to working with youth in custody.

Threaded through these reform efforts are a core set of principles that define promising placement and parole practices.

Limit who enters placement

Given the importance of keeping youth connected to their families and the expense of placement, it is critical that confinement be used only for the highest risk offenders. Research has shown that applying the most intensive correctional resources to low-risk youth disrupts their positive social networks and exposes them to negative behaviors, increasing the likelihood that they will become involved in criminal activity upon release.⁸⁷ These findings point to the

⁸⁴Edward J. Latessa and Christopher Lowenkamp, "What Works in Reducing Recidivism?," *University of St. Thomas Law Journal* 3, no. 3 (2006): 522-523; and Douglas W. Nelson, *2008 KIDS COUNT Essay and Data Brief: A Road Map for Juvenile Justice Reform* (Baltimore, MD: The Annie E. Casey Foundation, 2008): 10-11.

⁸⁵ Missouri is regularly cited by experts and the media for its unique and comprehensive approach for treating youth in state custody, which emphasizes rehabilitation and positive youth development principles

⁸⁶ Dick Mendel, *The Missouri Model: How One State Revolutionized the Art of Rehabilitating Youthful Offenders and What Your State Can Do to Replicate its Success* (Baltimore, MD: Annie E. Casey Foundation, Release date pending). According to this publication, 22.5 percent of youth released from juvenile custody in 2005 were reincarcerated in juvenile or adult correctional facilities for rules violations or new offenses in three years. Approximately 84 percent of youth exiting DYS custody in 2007 were productively engaged in school, college, and/or employment at the time of discharge.

⁸⁷ Latessa and Lowenkamp, 2006, p. 522-523.

need to limit who enters juvenile correctional facilities, particularly for reasons that lie outside of a youth's risk to public safety, such as concerns about their family situation or a lack of community-based services to address social service needs. In particular, youth with mental health disorders, who comprise a significant proportion of youth entering the juvenile justice system, are more effectively served when they receive treatment in their communities and are close to their families. For the small number of youth who may need to be placed in a facility, due to significant public safety concerns, it is important that these young people spend the minimal amount of time incarcerated as is absolutely necessary and that the focus be on preparing for, and supporting them during, their transition back home (see below).

Actively engage youth and their families in planning

Engaging youth and families in both the treatment and reentry planning process can help to ensure that placed youth get the support and services they need. Involving youth and families in treatment planning has been shown to decrease the likelihood of further criminal behavior and reduce juvenile incarceration rates.⁸⁸ For youth with specialized needs, such as mental health or substance use problems, this process also provides an opportunity for staff and families to agree on a diagnosis and collaboratively develop treatment goals. This process can also strengthen family relationships, which can establish a positive foundation for youth when they return home and ensure that youth have a supportive resource to keep them on track. Treatment plans should always be focused on the future and should be written so that young people understand and own their goals. They should also be dynamic, with revisions and adjustments being made as the youth progresses and more is learned about his or her needs and learning styles.

Provide access to an array of services both within and outside of facilities

Moving from an institutional setting back to the community can be challenging for young people. For this reason, it is critical to develop a comprehensive infrastructure of both in-facility and community-based programming that prepare youth for the increased autonomy and responsibility following release.⁸⁹ Such programming should encompass a wide array of areas, including employment and vocational training, school, treatment services, family programs, and practical life skills, such as financial literacy and independent living. In addition, system-involved girls should also have access to specialized services aimed at addressing their particular needs, including parenting classes and mental health services. These programs should be grounded in positive youth development, which provides a framework for how to work with youth, stemming from the understanding that young people develop and flourish when they are connected to the right mix of opportunities, relationships, and social assets.⁹⁰

⁸⁸ Final Report of the Texas Blue Ribbon Task Force. *Transforming Juvenile Justice in Texas: A Framework for Action* (September 2007), 47, citing J. Latimer, "A Meta-analytic Examination of Youth Delinquency, Family Involvement, and Recidivism," *Canadian Journal of Criminology* 43 (2001): 237-253; and Aos, Miller, and Drake, 2006.

⁸⁹ Governor Paterson's Task Force on Transforming Juvenile Justice. *Charting A New Course: A Blueprint for Transforming Juvenile Justice in New York State*, December 2009: 73-77.

⁹⁰ Jeffrey A. Butts, "A Sensible Model for Juvenile Justice" Youth Transition Funders Group, Summer 2008: 5.

Recruit and retain a professional workforce

Staff who work with justice-involved youth (both in facilities and in the community) have very demanding jobs and are often asked to care for the nation's most vulnerable young people with limited resources. Around the country, jurisdictions are recognizing the need to find well-qualified staff who are sincerely interested in working in a system premised on rehabilitation and treatment. Key to this effort has been an increased emphasis on hiring staff with the appropriate skills, training, and education and providing them with better compensation and continued professional development to ensure they are well-equipped to help young people entrusted to their care find a better path.

**Core Components of a Promising Placement System:
Focus on Missouri Model**

Over the past two decades, Missouri's Division of Youth Services (DYS)—the agency responsible for the care of youth placed in state custody—has developed a model of care premised on rehabilitation. Key elements of the Missouri Model are described below.

- **Youth are placed in small facilities close to home:** DYS has divided the state into five regions and aims to keep all children within driving distance of their families. Families can visit and call youth twice a week, allowing them to be actively involved in the treatment process. In the absence of an immediate family member, extended family or another responsible caregiver can also be involved. Furthermore, the facilities themselves are typically small, or are broken up into smaller units.
- **Youth are actively involved in their treatment:** After entering a facility, youth create individualized treatment plans with a service coordinator, who manages their case. These plans identify a youth's treatment needs and track his or her progress toward meeting different goals. Every youth must pass through a series of levels to graduate from the program. This structure provides a road map of varying expectations and responsibilities that reflect stages of the behavioral change process.
- **Treatment is group-based:** Because many of the symptoms and needs exhibited by young people often stem from similar core issues, each youth is assigned to a group of 10 to 12 youth after arriving at a facility. Youth remain with their groups all day, attending school and treatment sessions together.
- **Physical restraints are used as a last resort:** DYS creates a safe environment within its facilities by cultivating an atmosphere of healthy relationships and mutual respect. Dangerous techniques, such as face-down restraints, are not permitted. Instead, staff employ a number of techniques to defuse trouble and foster a safe environment. Within groups, young people use circles—where the group physically stands or sits in a circle—to clarify issues, resolve conflicts, give each other feedback, or raise concerns. In rare instances when a restraint occurs, youth and staff reflect on how this situation was handled and whether it could have been prevented.
- **Facilities are warm, therapeutic, and home-like:** DYS facilities do not use razor wire fences, and inside, facilities are clean with nurturing, with bright furnishings in rooms and common areas. Colorful bulletin boards cover most facility walls, often featuring art work or positive messages written by youth. Young people also care for pets, wear their own clothing, and participate in different activities, ranging from GED classes and vocational training to theater groups and sporting events.
- **DYS invests in its staff:** Youth are overseen at all times by highly trained, well-educated staff members who have strong interpersonal skills. During their first two years, staff complete 236 hours of training that emphasize DYS's values and beliefs and includes extensive practice in applying different concepts used with youth. Staff members also receive approximately 40 hours of ongoing training every year.
- **Strong reentry emphasis:** Youth work with staff to plan for release as soon as they enter the facility. Upon release, young people typically remain in aftercare programs for a minimum of four months. During this time, they may enter a DYS day treatment program, which provides educational instruction and services in the community to help them transition from institutional placement back to home life. Youth are also monitored and supported by a community mentor, who can help them find jobs.

Local Context: Definition/Structure of Post-Dispositional Placement and Parole in Louisiana

Below is a very brief summary of the current statutory framework governing juvenile placement and parole. A flow chart and glossary of terms (for probation as well as other points in the system) is included in Appendix B, along with a much more detailed summary of the legal and fiscal structure in Appendix C. It is important to note that both the abbreviated and full summaries are not meant to act as a qualitative assessment of these legal frameworks or how the system actually plays out in practice; rather, they are simply to provide the reader with a context for the latter sections on data, reforms, and recommendations.

In Louisiana, courts may choose from a number of dispositional options for youth who are adjudicated as FINS for status offending behavior or delinquent for committing a felony or misdemeanor. Among these options include committing youth to OJJ custody and placing them in either a non-secure facility, which lacks the kind of secure hardware that would be present in a more restrictive setting, or a secure facility, which has perimeter fences, locked units, and high security.

In making a decision to place an adjudicated delinquent youth, the Children’s Code notes that the court must first determine that removing a youth from his home is essential for his welfare and public safety.⁹¹ In the case of both FINS and delinquent youth, the court must impose the least restrictive disposition consistent with the circumstances of the case, the child’s needs, and the best interests of society.⁹² Importantly, the statute states that adjudicated FINS youth may not be placed in secure facilities exclusively for delinquent children.⁹³ Furthermore, youth who are 14 or older and adjudicated for first- or second- degree murder, aggravated rape, aggravated kidnapping, or armed robbery are automatically committed to a secure facility until the age of 21 (also referred to as Vitter cases), and are ineligible for parole, probation, or modifications to their sentences.^{94, 95}

The length of stay for youth sent to placement varies. In the case of FINS youth, their stay in non-secure placement depends largely on the court’s order, although they may not be held beyond their 18th birthday.⁹⁶ For delinquent youth, length of stay is largely at the court’s discretion, but subject to a few limitations. First, placement orders for misdemeanors or felonies cannot exceed the maximum term of imprisonment for the underlying criminal offense⁹⁷ or go beyond the age of 21.⁹⁸ Second, youth who were younger than 13 when they

⁹¹ La. Child Code Ann. arts. 897(A); 899(A) & (C).

⁹² La. Child Code Ann. art. 781(A).

⁹³ La. Child Code Ann. art. 779(A)

⁹⁴ La. Child Code Ann. art. 897.1(A).

⁹⁵ La. Child Code Ann. art. 897.1(A)-(B). According to La. Rev. Stat. Ann. §906(B), these restrictions are “necessary and proper” because the protection of society is of paramount importance when dealing with children who have committed very serious offenses

⁹⁶ La. Child Code Ann. art. 784.

⁹⁷ La. Child Code Ann. arts. 898(A); 900(A).

committed a felony may not be held beyond the age of 18.⁹⁹ Youth must also be given credit for any time spent in secure detention before the disposition.¹⁰⁰

OJJ is ultimately responsible for a youth's treatment in both secure and non-secure facilities.^{101/102} OJJ has 16 contracts with different group homes and residential and foster care providers across the state for non-secure services. It also funds and operates three secure facilities for males and contracts with one facility to provide secure care for girls. Based on OJJ staffing patterns, the current capacity is 389 beds.¹⁰³ Once in custody, OJJ must report to the court on the youth's condition, supervision, treatment, and/or rehabilitation in the facility at least every six months.¹⁰⁴

By law, OJJ must regularly review cases to determine if the youth's current placement is still appropriate for their needs and meets public safety. Following an assessment by key stakeholders, if OJJ determines that the youth should be transferred to a less restrictive setting, the agency must file a motion to the court and the district attorney requesting a modification and explaining their recommendation. This motion must document the rationale for a proposed recommendation, and when release is recommended, present an aftercare plan.¹⁰⁵

OJJ must work with youth in placement to prepare an individualized transitional plan, which should identify any programs, services, or facilities that will be used to help the youth have a successful release and address particular needs, such as education, health, and living arrangements.¹⁰⁶ For youth in non-secure care, the contracted facility must provide the supervising region and court with a written recommendation for release at least 30 days prior to their successful completion of the treatment program or before the disposition ends.¹⁰⁷ Youth released from non-secure and secure facilities may continue on to probation and parole, respectively, depending on the time left to be served on their disposition. During this time, youth remain under OJJ supervision, and the assigned probation and parole officer continues to monitor the youth until the term of probation or parole ends.

⁹⁸ La. Child Code Ann. art. 898(C)(5); 900(C)(4).

⁹⁹ La. Child Code Ann. art. 898(C)(1).

¹⁰⁰ La. Child Code Ann. arts. 898(A); 900(A).

¹⁰¹ La. Child Code Ann. art. 908(A).

¹⁰² La. Child Code Ann. art. 908(B).

¹⁰³ An additional secure facility will be opening in Southwestern Louisiana in 2015, which will add 72 beds.

¹⁰⁴ La. Child Code Ann. art. 905.

¹⁰⁵ La. Rev. Stat. Ann. §15:902.3(C).

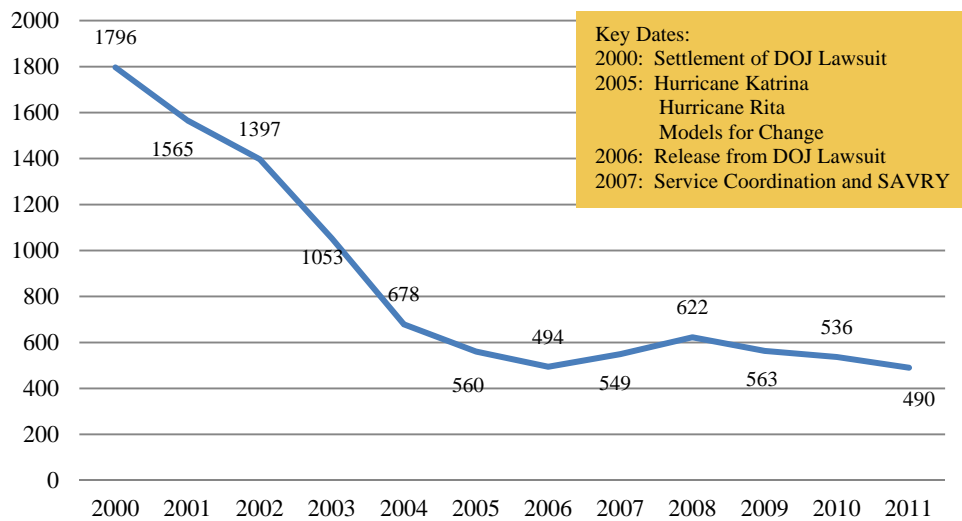
¹⁰⁶ La. Child Code Ann. art. 908(C).

¹⁰⁷ Louisiana Office of Juvenile Justice, Standard Operating Procedures for Non-secure Care 22 (2010), <http://ojj.la.gov/ojj/files/SOP%20updated%2010%2027%2010.pdf>.

Data Summary: Where are the Youth?

As shown in figure 16, the average daily population of youth in secure state custody decreased by 73 percent between 2000 and 2011. The sharp decline occurred largely between 2000 and 2006 (the year that the state was released from the DOJ lawsuit). Average daily populations remained fairly steady in the last five years, with a small spike in 2008, eventually decreasing back to the 2006 level.¹⁰⁸ (The below graph includes all youth placed under the secure custody of OJJ, including those awaiting entry into the designated placement facility, while in a detention center.)

Figure 16: Average Daily Population: Delinquency Secure Custody, 2000-2011



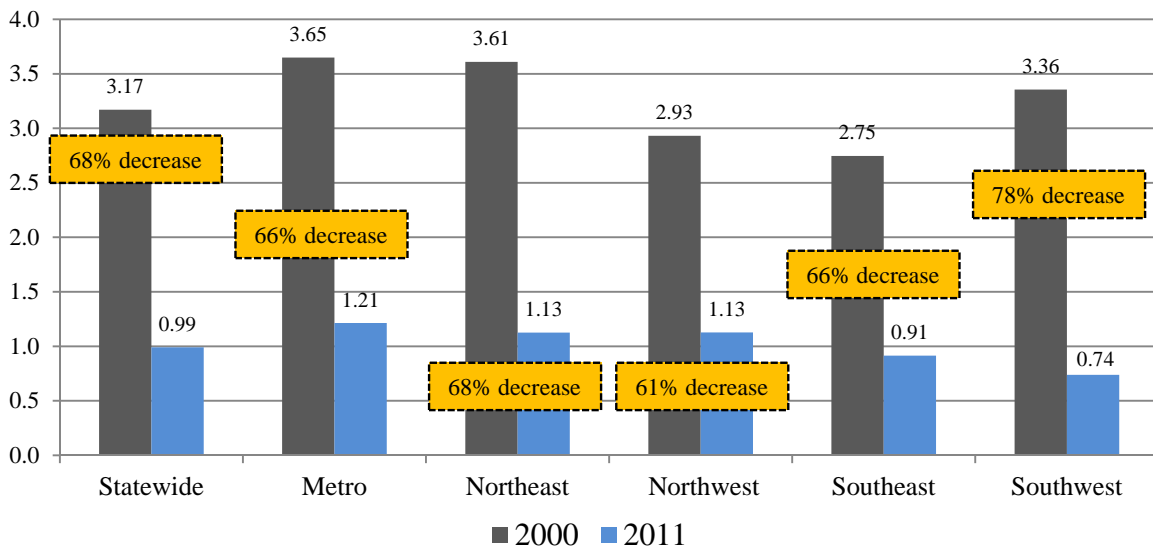
From a national perspective, the steep decline in Louisiana’s secure custody population reflects a major change in the state’s juvenile incarceration and youth correctional placement practices. In 2001, Louisiana’s state custody rates were more than double the national average (i.e., 505 per 100,000 youth ages 10-17, versus the national average of 235). By 2010, Louisiana had cut its rate by more than half, to 239 per 100,000 youth, approaching the national average of 225 that same year.¹⁰⁹ (For more information on national 2010 custody rates, see Appendix A.)

¹⁰⁸ The 2007-2008 increase coincides with the settlement of the US Department of Justice lawsuit. The gradual decrease in subsequent years parallels the implementation of reforms that the agency instituted related to service coordination, risk screening and expanded training/utilization of evidence-based interventions.

¹⁰⁹ See Hurst, H. *2010 State Custody Rates Comparison per 100,000 Juveniles*. Based on *Census of Juveniles in Residential Placement*. National Center for Juvenile Justice.

Figure 17 compares 2000 and 2011 OJJ secure custody rates (per 1,000 youth) statewide and by region. Statewide, the secure custody rate decreased by 68 percent, while each of the five regions (as defined in this report) experienced a decrease of 60 percent or larger between 2000 and 2011. The Southwest region experienced the largest percentage decrease. That region also had the lowest secure custody rate in the State (0.74 youth in secure custody per 1,000 youth).

**Figure 17: Secure Custody Rates Statewide and by Region
 2000 versus 2011**
 (per 1,000 Youth ages 10-17)



It is important to emphasize that the OJJ data shown here were not available five years ago. The ability of the agency to provide regional (and even more specific) trend data is important because it allows state officials and policy-makers to track where important changes may be occurring. For example, if the rates for a particular region were to increase, it could mean that the region needs to look more closely at who is entering these facilities (i.e., for what charge) and reexamine whether there are ample (appropriate and effective) community-based alternative options available.

The next set of charts display data for youth committed to state non-secure custody. As illustrated in figure 18, the non-secure average daily population for youth adjudicated on delinquency offenses decreased by 57 percent between 2000 and 2011; the non-secure average daily population for FINS cases dropped by 62 percent during that same period. For the most recent five-year period (2006 to 2011), the delinquency non-secure custody average daily population decline was 42 percent and the FINS non-secure custody average daily population fell 36 percent.

Figure 18: Average Daily Population of Youth in OJJ Non-Secure Custody: Delinquency and FINS (2000-2011)

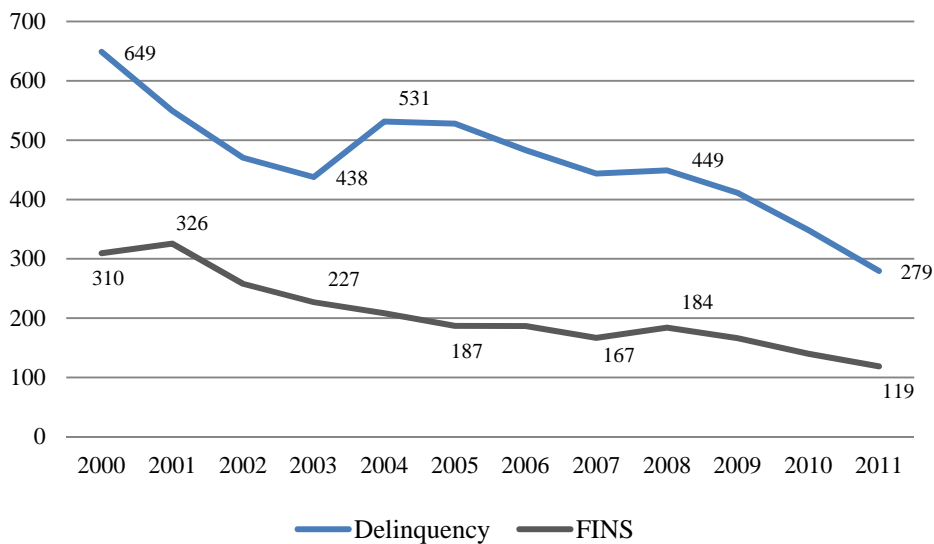
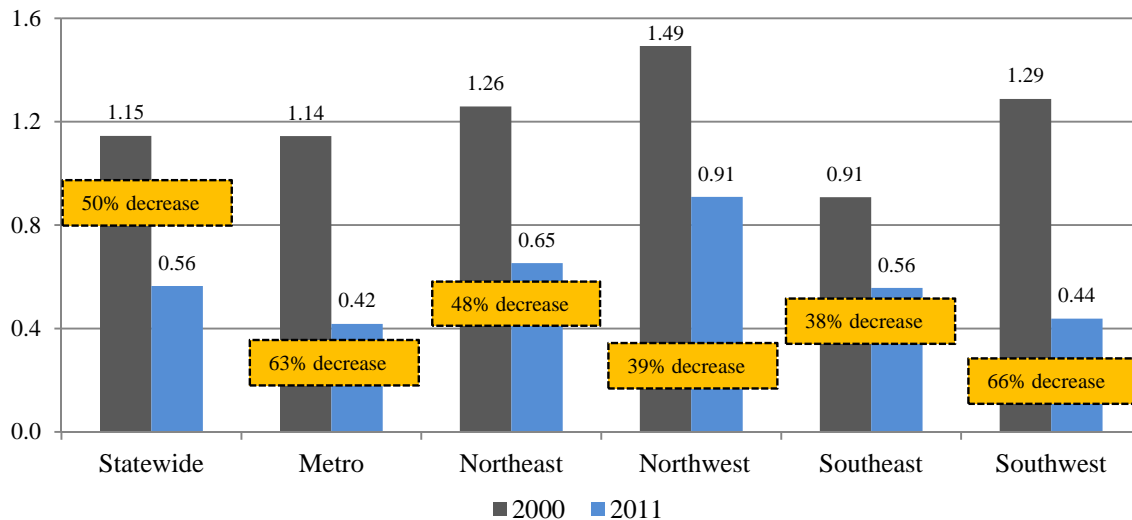


Figure 19 below provides a look at 2000 and 2011 non-secure custody delinquency rates (per 1,000 youth) statewide and by region. Once again, we see substantial decreases for these two comparison points can be seen, with the largest decreases occurring in the Southwest and Metro regions (66 percent and 63 percent, respectively). These two regions also had the lowest 2011 delinquency non-secure custody rates (0.44 and 0.42 per 1,000 youth, respectively).

**Figure 19: Non-Secure Custody Delinquency Rates Statewide and by Region
2000 versus 2011**
(per 1,000 Youth ages 10-17)



Similarly, Figure 20 shows that *non-secure custody FINS rates, at both the state and regional levels, decreased between 2000 and 2011.*

**Figure 20: Non-Secure Custody FINS Rates Statewide and by Region
 Comparison for CY2000 and CY2011**
 (per 1,000 Youth ages 10-17)

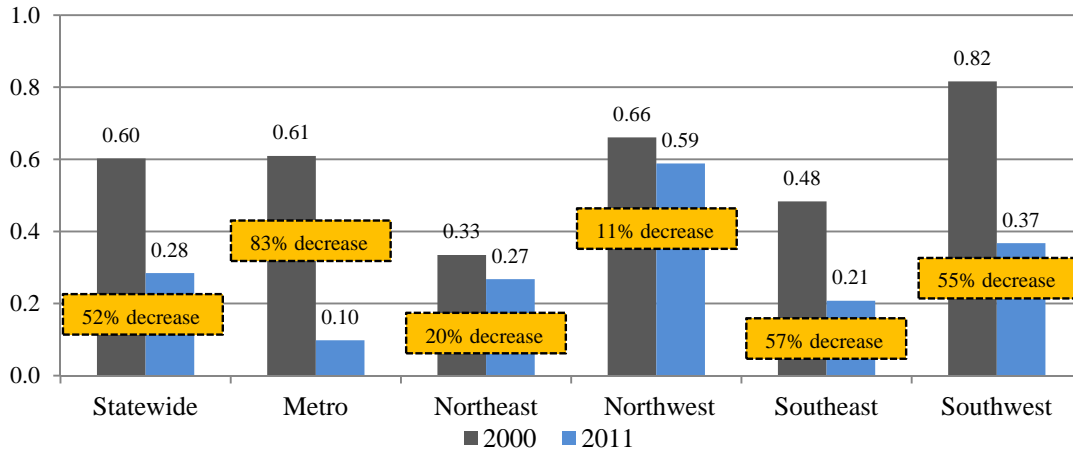
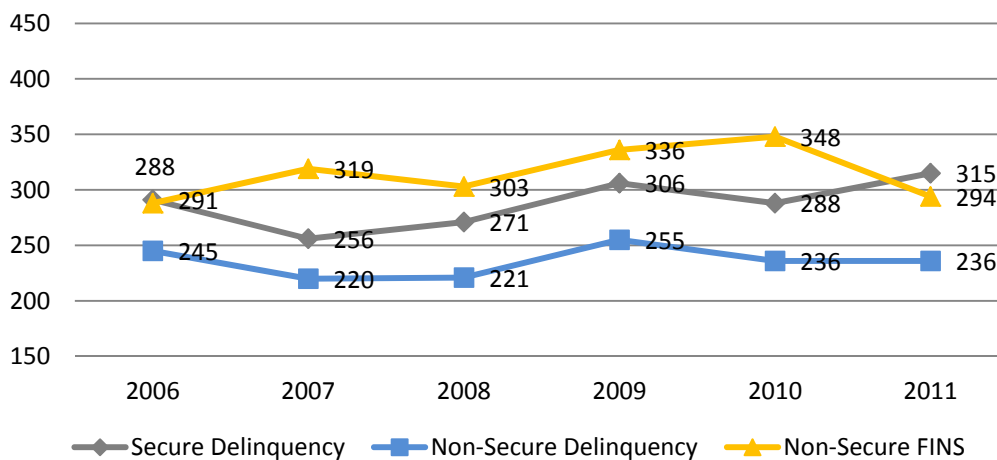


Figure 21 examines the average length of time youth remain in secure and non-secure (delinquency and FINS) custody. As shown, *youth placed on non-secure custody status solely due to a FINS matter have historically experienced among the longest average lengths of stay — upwards of nine to ten months or longer — compared to delinquent youth placed on secure or non-secure status.*

**Figure 21: Average Length of Stay in Secure and Non-Secure Custody
 Legal Status Ending in 2006-2011**

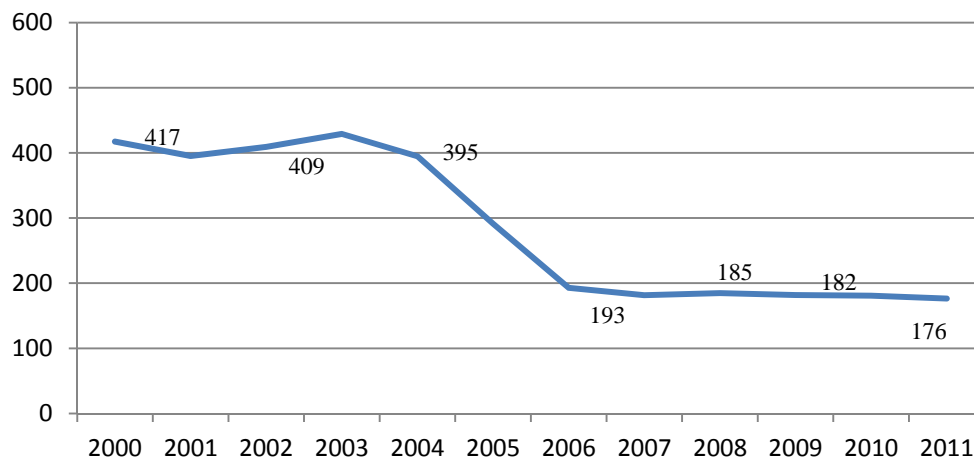


More specifically, OJJ data reveal that 27 percent of FINS youth placed in non-secure custody status during the 2006 to 2011 period remained on that status for longer than one year (compared to 16 percent of delinquent youth).

Parole

As shown in Figure 22, the average daily population of youth on parole supervision decreased by 58 percent between 2000 and 2011, with a nine percent decrease between 2006 and 2011.

Figure 22: Average Daily Population of Youth on Parole Supervision, 2000 - 2011



When looking regionally, **substantial declines (between 2000 and 2011) in parole rates across the state are evident**. Parole rates (that is, the average number of youth on parole per 1,000 youth in the overall population) decreased by 51 percent statewide and between 45 and 61 percent in the five regions.

OJJ data also reveal that approximately 50 percent of youth are discharged directly from OJJ secure custody without any period on parole/community supervision. Another 15 percent are transitioned to non-secure placement and are then discharged from OJJ care from that legal status without any period of community supervision (probation or parole).

Recidivism

OJJ has generally been reporting recidivism rate of youth discharged from their care since the 1990's. However, until recently, this measure was not that precise – particularly with respect to calculations of the length of time between discharge and a new juvenile/adult disposition that

resulted in subsequent OJJ involvement or involvement with the adult equivalent (the Louisiana Department of Public Safety and Corrections).¹¹⁰

In late 2009, OJJ analysts using data re-organized in the agency's new JETS data warehouse made a substantial set of revisions to how recidivism indicators were generated. This new methodology now takes into account many of the national recommendations for how best to measure juvenile offender recidivism.¹¹¹

On an ongoing basis, the agency develops a running total of the percentage of discharged youth who are:

- Subsequently re-adjudicated for any delinquent offense as a juvenile and again placed in the custody or supervision of OJJ, or
- Convicted in Adult Criminal Court and sentenced to the custody or supervision of the Louisiana Department of Public Safety and Corrections.

The recidivism data presented below are taken directly from a recidivism fact sheet prepared by OJJ analysts in July 2011 that reflect recidivism rates for youth discharged from OJJ secure custody, non-secure placement and probation supervision in fiscal years (FY) 2008-10.¹¹² These data generally reveal that one-year recidivism rates for:

- Youth discharged from secure care have gone down slightly for recent discharge cohorts but in general have hovered around 18-19 percent;
- Youth discharged from non-secure placement are slightly higher – approximately 20-21 percent; and
- Probation supervision discharges have averaged around 12 percent.

¹¹⁰ Prior to 2009, OJJ recidivism calculations were not that precise as to the amount of “opportunity” time that youth have to recidivate. For example, one-year recidivism rates only generally took into account the time between the year a youth was discharged and whether a youth recidivated by the end of the subsequent calendar year. In this way, a youth discharged in 2008 could have anywhere from a minimum of 12 months to a maximum of just under 24 months of “opportunity” time to recidivate by the end of 2010, depending on when in 2008 (s)he was discharged.

¹¹¹ Please see Harris, P.W., Lockwood, B., & Mengers, L. (2009). *A CJCA white paper: Defining and measuring recidivism* [White paper]. Retrieved from <http://www.cjca.net>.

¹¹² The most recent recidivism summary (reflecting one, two and three years recidivism rates through FY11 (July 2011) are available on OJJ's website at: <http://oji.la.gov/index.php?page=sub&id=57>. Some youth progress through a series of legal statuses during their involvement with OJJ. Secure, non-secure and probation supervision classifications are based on the legal status that reflects a youth's deepest penetration.

Three-year recidivism rates for youth discharged in FY 2008 range from just over 45 percent for secure care discharges to just under 26 percent for youth discharged from probation supervision.

FY	Secure			Non-Secure			Probation Supervision			Total		
	1 Yr Rate	2 Yr Rate	3 Yr Rate	1 Yr Rate	2 Ye Rate	3 Yr Rate	1 Yr Rate	2 Yr Rate	3 Yr Rate	1 Yr Rate	2 Yr Rate	3 Yr Rate
2008	20.5%	35.0%	45.4%	20.8%	33.1%	40.9%	12.2%	20.4%	25.7%	14.8%	24.6%	31.1%
2009	17.6%	33.1%	N/A	21.0%	34.2%	N/A	13.6%	22.1%	N/A	15.3%	25.8%	N/A
2010	16.9%	N/A	N/A	19.0%	N/A	N/A	11.1%	N/A	N/A	13.1%	N/A	N/A

Reform Efforts in Last Five Years

Improved staffing has increased collaboration and cooperation among the important parties working on a youth’s case.

OJJ revamped its process for staffing cases of youth held in both secure and non-secure placement facilities. Under the new process, in an effort to ensure that a young person’s treatment and release planning are constantly being reviewed and tailored as needed, staff members conduct quarterly reviews on each and every youth in custody. Anyone who directly works with the youth and/or is invested in the young person’s success is invited to participate in the staffing. If they cannot attend in person, they can join via phone. Participants often include, but are not limited to, the youth’s parent or guardian, education liaison, clinician, case worker, and physician. By bringing everyone together in this fashion on a regular basis, and gaining input and feedback from all parties involved in the young person’s case, staff and families can remain abreast of the most recent and relevant information and can, therefore, revise the treatment plan, as needed, and plan for a timely and effective transition home.

The OJJ service coordination model has allowed youth to have one probation officer/caseworker throughout their time in the system to ensure a more seamless case management process.

Following national best practice, in June 2009, OJJ implemented (statewide) a service coordination model which provides seamless case management for youth under the agency’s supervision, care, and/or custody. Often referred to nationally as continuous case management, the model guarantees that any youth that comes under OJJ supervision will have one case worker throughout his/her involvement in the system. Whether the youth is on probation, in secure or non-secure care, or on parole, the same worker maintains the case from one point to another, preventing a young person from ricocheting between staff. In the past, a youth had an intake probation officer, a different probation officer overseeing post-

dispositional supervision, a new caseworker if he/she later entered a placement facility, and then another case worker when on parole.

The new model strives to ensure that one person has responsibility for arranging services for the youth, with the goal of ensuring that when a young person comes out of placement, the officer working to coordinate services and support for the child is well acquainted with the young person's needs, strengths, family, community, and concerns.

OJJ uses the SAVRY to help inform services provided to youth that are placed on parole (and to inform time of release from placement).

In addition to implementing the SAVRY to inform probation supervision and services in 2010, OJJ introduced the instrument in its secure custody facility settings. Agency policy now requires social workers to complete a SAVRY on all youth in custody in an effort to inform and guide reentry planning.¹¹³ In addition, as is the case with youth on probation supervision, young people in custody should receive a new SAVRY every six months to see if risk factors and areas of need have changed through treatment and to help ascertain whether the agency should make a recommendation of early release to the presiding judge.

OJJ is in the process of implementing a new model of care in its secure placement facilities, modeled after regional therapeutic facilities used in Missouri.

In addition to working to implement safe and effective strategies to keep youth who do not pose a serious risk to public safety out of secure placement facilities, Louisiana has been striving to revamp the system of care and its secure facilities. OJJ leaders have been working closely for several years with the Annie E. Casey Foundation and the Missouri Youth Services Institute, a non-profit founded and run by Mark Steward, the architect of the Missouri model of care, to develop and implement a locally-tailored, therapeutic regional system for responding to and treating youth in secure care, commonly referred to as the Louisiana Model.

The Louisiana Model focuses on:

- Smaller regionalized facilities, with the goal of keeping capacity to 72 beds or less and designing them to be more therapeutic and warm
- Group-based treatment and trust-building

¹¹³ Vincent, G. M., Guy, L. S., & Grisso, T. (November 2012). *Risk Assessment for Juvenile Justice: A Guidebook for Implementation*. MacArthur Foundation.

- Improved staff training
- Individualized treatment planning based on the assessed needs of youth
- Increased parental involvement

A reform effort of this scope is difficult and takes time. While this report presents the efforts of the state to implement the new model of care, it does not assess those efforts.

Areas of Need and Related Recommendations

Based on the available data, a review of reports and public documents, interviews with both local and national practitioners and experts, and an understanding of national best practice, the following recommendation and related strategies are proposed.

It is critical that alternative-to-placement programs be geared toward youth who, but for the existence of an alternative option, would have been placed in an institutional or residential facility. In other words, as was described in the discussion of alternative-to-detention programs, policymakers and practitioners need to be careful about potential “net widening” when developing and using alternative programs.

Area of Need: While Louisiana has come a long way in reducing reliance the state’s reliance out-of-home placement, there are still important opportunities to safely reduce that reliance even further, by focusing on status offending and low-risk youth.

Recommendation 11: In an effort to support an effective probation system and to ensure that only those youth who pose a significant risk to public safety are placed out of the home, the state and local jurisdictions should examine the availability of (and, if needed, develop new) graduated, community-based, alternative-to-placement systems and services, with a particular focus on keeping status offenders and low-risk youth at home and in their communities.

It is unquestionable that Louisiana has made great strides in decreasing reliance on out-of-home placement. The state should be commended for this important work. Simultaneously, it is important to maintain the current momentum of reform and change and to remain vigilant about ongoing areas of need.

Too many status offenders — formal FINS — are still being removed from their families, homes, and neighborhoods and being placed in a facility under state custody. As shown in Figure 18, in 2011, the average daily population of FINS youth in non-secure custody was 119. While this figure represents a dramatic (62 percent) decrease since 2000, it is still troubling. This means that on any given day, roughly 119 youth who have not been charged with a criminal offense, are held in state custody. And, as shown in Figure 21, they are often staying in custody as long as, or longer than, youth adjudicated on a delinquency offense. It is imperative that the state

examine why these youth are still entering placement facilities and assess the availability of appropriate, community-based alternatives. Before developing new programs or services, it is important to first understand what is currently available to these youth and whether those services and alternatives are accessible and effectively utilized.

In addition, Louisiana should carefully analyze placement data (in particular, SAVRY data) to identify, on a regular basis, how many low to moderate risk delinquent youth are being placed in facilities and to ensure that appropriate alternative options are also available and, if not available, then designed and implemented for these youth as well. As noted earlier, there are times when social service needs can drive a placement decision. For example, a young person may not pose a risk to public safety, but exhibits such intense needs that have not yet been met in the community that decision-makers, at a loss for what to do, turn to placement as an option). With collaboration among the various child-serving agencies in the state and monitoring from the JJIC, Louisiana can and should be able to ensure that no young person who is not a public safety risk is placed in a juvenile justice facility in response to social service, mental health, or substance abuse needs. Those needs should not be ignored, but should be answered and treated elsewhere.

Area of Need: The new Louisiana Model of Care is an ambitious and important undertaking, one that demands a great deal of financing, attention, support, and monitoring.

Recommendation 12: Examine and report on the status of implementing the Louisiana Model of Care.

Along with numerous local, state, and national stakeholders, OJJ has put a significant amount of time and energy into designing and implementing the Louisiana Model of Care in its placement facilities and continuum of care model. As is often discussed nationally, this type of reform does not come easily and does not happen overnight, but takes many years. In recognition of the important development differences between young people and adults, it is critical that OJJ remain separate from the adult criminal justice agency to ensure the effective implementation of this new model (as well as other facility-level reforms) and be provided with the resources and support needed to help young people thrive upon release from custody. Additionally, it is recommended that the JJIC report on the status of the implementation process, identifying successes to-date as well as areas that merit additional attention, barriers, and resources needed to accomplish the final model implementation.

Area of Need: There is a lack of structured step-down options and juvenile-centered aftercare programming within Louisiana’s juvenile justice system.

Recommendation 13: Study the juvenile parole system and collaboratively develop a juvenile-centered aftercare model that is about services and support as well as supervision. This aftercare model should include a gradual and well-planned “step-down” process that will enable youth to be released from secure care in a timely manner to varying levels of structured therapeutic programs available across the state.

Parole — a function largely originating in the adult criminal justice system — refers to the process of supervising and monitoring an individual upon release from incarceration as the person acclimates back into the home and community. Aftercare, a more juvenile-centered model of reentry, refers to the array of services and supports put into place to assist the individual in this process. Currently, the model followed in the Louisiana juvenile justice system is predominantly a parole one, with supervision taking precedence over on-the-ground support. This is not to say that detailed release plans (including needed services) are not carefully and thoughtfully developed by staff, in collaboration with the young person and the family, while the youth is in a placement facility. On the contrary, youth are often discharged from secure care with a well-crafted plan; however, they often do not receive the support to help them navigate and implement the plan. As previously noted, roughly half of youth discharged from OJJ secure custody are released without any period on parole/community supervision. Another 15 percent are transitioned to non-secure placement and are later discharged without any period of community supervision (probation or parole).

Ideally, a young person should start to be reintegrated from secure placement into the community at least ninety days before release. This should involve a case worker escorting the youth to his/her residence and to his/her school and ensuring that all the needed services and supports are well-established before reentry. Returning home after a stay in a locked placement facility is hard enough for a child (and his/her family) without having to decipher the often complicated world of services. It is recommended that Louisiana undertake a study, potentially with the help of the external resource noted in Recommendation 2, to review the state’s current reentry planning and implementation process and outline steps to ensure that the above occurs for all youth.¹¹⁴

¹¹⁴ The example of Pennsylvania may be useful in this regards. For the past decade or so, Pennsylvania has worked to collaboratively develop a model aftercare system for youth transitioning from delinquency placements. Please see Patrick Griffin and Mary Humninen, *Pennsylvania Progress: Preparing Youth for Productive Futures*, National Center for Juvenile Justice (January 2008) <http://www.modelsforchange.net/publications/202>.

Each young person leaving a facility should receive on-the-ground support and assistance before, during, and following reentry into the community. That support needs to include much more than a good plan — it must include assistance in actually setting up appointments, arranging transportation for services, speaking with guidance counselors, etc. The model should also include a gradual and well-planned “step-down” process that will enable youth to be released from secure care to varying levels of structured therapeutic programs that can better assist youth in their transition home while maintaining public safety. These step-down options should be made available across the state and should include independent living opportunities.

PART III: ASSESSMENT AND SERVICES

This section of the report examines the role of screening, assessments, and services in identifying and changing behaviors and environments that put youth at risk of future delinquent acts. Specifically, it looks closely at how these elements are used at key points along the continuum of the juvenile justice system. This section:

- Provides national context by outlining best practices and reform trends;
- Offers local context by illustrating Louisiana’s screening, assessment, and service infrastructure;
- Shares available data;
- Highlights key reform efforts that have occurred over the last five years (2007-2011); and
- Presents key areas of need and related recommendations for ongoing reform.

National Context: Principles of Model Screening, Assessment and Service Delivery

Over the last decade, the emerging consensus within the juvenile justice field is that punishment and sanctions alone do not deter juvenile re-offending to a degree that would be considered effective. In fact, studies have shown that for some youth, exposure to the juvenile justice system — even interventions like community service or probation — may actually be counterproductive in reducing recidivism.¹¹⁵

Not surprisingly, both research and practice have demonstrated that therapeutic programs oriented toward facilitating constructive behavior change can have positive effects on system-involved youth,¹¹⁶ thereby increasing their likelihood of making a successful transition into adulthood. Yet, in spite of this knowledge, officials and staff within juvenile justice systems across the country remain challenged to achieve positive outcomes for young people. These challenges often stem from a lack of appropriate or effective services, the difficulty of matching a youth’s risk and needs to the services that are available, and the inability to determine whether the existing services are working.¹¹⁷

¹¹⁵ Gina Vincent et. al, *Can Risk Assessment Improve Juvenile Justice Practice?*, Models for Change Knowledge Brief, December 2011.

¹¹⁶ Lipsey, M.W., Howell, J. C., Kelly, M.R., Chapman, G., and Carver, D. Improving the Effectiveness of Juvenile Justice Programs. Center for Juvenile Justice Reform, Georgetown Public Policy Institute (2010): 5.

¹¹⁷ Ibid

To address these challenges, jurisdictions are slowly transforming their juvenile justice systems to more effectively, efficiently, and fairly serve their young people. Officials are developing systems aligned along a continuum of care, which can meet a range of service and public safety needs, from the most minimal to the most intensive. In a growing number of jurisdictions and states, an emphasis has been placed on establishing evidence-based programs, which are standardized, replicable practices that are implemented with fidelity and have been researched and demonstrate positive outcomes in repeated studies. Incorporated within this continuum is the use of validated screening and assessment instruments, which are tools supported by statistical analyses showing that they can successfully classify youth into levels of risk and help identify their needs.¹¹⁸

Screening and assessment instruments have distinct roles in identifying a youth's needs and risks and determining an appropriate course of action. **Screening** instruments are generally used with most, if not all, youth at a specific point of juvenile justice intake and can determine who might have a particular characteristic (e.g. mental health need). Often, these screens will sort youth into categories — typically, low, medium, or high — to signal potential emergencies or to prompt a more detailed and individualized assessment. **Assessments**, on the other hand, are used as a follow-up on youth who are “screened in,” to inform what interventions may be most appropriate to serve specific needs, like mental health or substance abuse, or address risk and protective factors that could contribute to or inhibit youth's recidivism. Information gathered from these assessments can then be used to pinpoint what services are most appropriate and create individualized service delivery and treatment plans.¹¹⁹

Ultimately, however, these service plans can only be effective if juvenile justice systems are able to readily match young people to the programs and services they most need. In recent years, researchers have identified some key principles that underlie successful assessment tools, as well as programs, including those that are evidence-based and those that are rooted in best practice.

Ensure Youth Receive Timely and Appropriate Services

At the heart of any effective juvenile justice system is the ability to provide youth with services that ensure they successfully remain in the community. To accomplish this goal, research has shown some important elements that should be considered in service delivery. First, interventions should be targeted to a youth's risk level, since allocating more resources toward higher risk offenders (as measured by a validated risk assessment instrument) has been found

¹¹⁸ Ibid

¹¹⁹ Governor Paterson's Task Force on Transforming Juvenile Justice. Charting A New Course: A Blueprint for Transforming Juvenile Justice in New York State, December 2009: 44.

to be both the most cost effective and most effective in reducing recidivism.¹²⁰ Second, a youth must have programming that appropriately reflects their needs (which can be no programming needed at all).¹²¹ And finally, when necessary, a sufficient amount of programming (also known as the “dosage”) must be provided, and these services must be of high-quality to have the desired effect.¹²² Together, these findings have important practical implications for how officials should design and structure their service offerings — namely, programming should be reflective of the population of youth entering different system points (both in terms of assessed risk and needs) and provide only the services required to assure the appropriate outcomes at these particular points. For example, youth who are deemed a moderate risk of flight or re-arrest pending their court date should be enrolled in a short-term, alternative-to-detention to ensure they remain arrest-free and appear in court, not detained. Similarly, juvenile justice officials should be careful not to “widen the net” by providing programming to youth who may be better served in their own community (either through a referral, or being released to their home), as this approach can do more harm than good.¹²³ Furthermore, youth should be referred or enrolled in services in a timely manner to maximize their potential for success.

Provide Individualized Services that Build on Strengths

Research shows that juvenile justice interventions are most effective when they provide individualized services designed to meet a youth’s specific needs. As one analysis put it, “Programs that tailor their interventions to an individual’s identified risks and needs appear to be more successful than those that try to impose a single strategy on all cases. Accordingly, an essential first step is a thorough assessment.”¹²⁴ To the extent that particular needs are identified, such as mental health or substance abuse, treatment should be provided as appropriate. In making treatment available, however, it is important to remember that some youth in these programs may not require any treatment at all — at least not in the clinical sense. In order to ensure genuinely individualized and effective services, programs should emphasize and capitalize on the young person’s strengths and skills, rather than focus solely on problems or weaknesses. Drawing on literature on positive youth development, what youth often need more than formal treatment are opportunities for recreation, mental stimulation, healthy peer interactions, role models, and a range of other support mechanisms.

¹²⁰ Latessa and Lowenkamp, 2006, p. 522-523. This is not to say that youth who pose no, or a low, risk to public safety should not receive services. It is just to say that services for youth who pose no, or a low, risk to public safety are not appropriate for alternative-to-placement programs.

¹²¹ Lipsey, M.W, 2010, p. 25-26.

¹²² Ibid, p. 27-28.

¹²³ Ibid., 6.

¹²⁴ Jeffrey A. Butts and William H. Barton, “In-Home Programs for Juvenile Delinquents,” in *Home Based Services for Troubled Children*, edited by Ira M. Schwartz and Philip AuClaire (Lincoln, NE: University of Nebraska Press, 1995): 145.

Promote Family Functioning and Involvement

An overwhelming body of research and experience indicates that parents, legal guardians, other family members, and even larger community structures are crucial to a youth's successful development; effectively engaging and supporting these natural resources is a pivotal strategy for support services.¹²⁵ Programs that emphasize family interactions are thought to be the most successful because they focus on "providing skills to the adults who are in the best position to support the child."¹²⁶ Indeed, studies have shown that parenting and family interventions can significantly reduce the risk of re-arrest.¹²⁷

Embrace the Diversity of Young People and their Families

Screenings, assessments, and services should be carefully designed to embrace the array of cultural, racial, and gender differences among young people and their families. As part of this process, any staff involved in administering instruments or programs should be trained in cultural competence and the principles of youth development to ensure that youth are placed in programs that are most appropriate for their needs and capitalize on their strengths.

Monitor the Effectiveness of Tools and Services on a Regular Basis

Because any information that is gleaned from screening and assessment tools should ideally be used to inform decision-making about where a youth is placed, it is critical to continually assess how effective they are in identifying particular needs. Together with rigorous evaluation and monitoring of programs and services, this information can help gauge whether juvenile justice systems are, in fact, matching youth to the programs that will result in produce positive outcomes for young people and their families. Whenever possible, funding for research should be included in program budgets, and quality assurance and evaluations should be mandatory. Such measures can help limit investments to programs and approaches that are found to be effective, minimize the waste of human and financial resources, and reduce the potential for harm to youth who might otherwise be placed in ineffective programs.¹²⁸

¹²⁵ Nelson, 2008 *KIDS COUNT Essay and Data Brief*, 2008, p. 10.

¹²⁶ Greenwood, 2008, p. 198.

¹²⁷ S. R. Woolfenden, K. Williams, and J. K. Peat, "Family and Parenting Interventions for Conduct Disorder and Delinquency: A Meta-analysis of Randomized Controlled Trials," *Archives of Disease in Childhood* 86, no. 4 (2002): 256.

¹²⁸ Lipsey, 2010, p. 14.

Establish a Healthy Mental Health and Substance Abuse Treatment System to Accompany the Juvenile Justice System

The prevalence of mental illness and substance use disorders among youth involved in the juvenile justice system is staggering. Studies have consistently found the rate of mental disorders to be higher among the juvenile justice population than among youths in the general population.¹²⁹ According to national prevalence estimates, 65 to 70 percent of youth arrested, detained, and/or incarcerated in the U.S. have a diagnosable mental disorder, and over 50 percent meet criteria for having two or more disorders simultaneously (also called co-occurring diagnoses).¹³⁰ Unfortunately, many of these youth are sent to the juvenile justice system due to the behavioral symptoms of their mental illness and removed from opportunities, where they do exist, for community-based, research driven alternative interventions that have demonstrated higher likelihoods of decreasing both delinquency and symptoms of mental illness and substance use.¹³¹

Local Context: Assessments & Services in Louisiana's Juvenile Justice System

In recent years, an array of risk and needs screening and assessment instruments, as well as different evidence-based programs and services have been introduced within the state. This section provides an overview of the different tools that are now being used at various system points, outlines the types of services that should be available to work with youth when they reach these points, and highlights data now known about the needs of Louisiana's youth from various surveys and studies. Additional information on the introduction of specific tools and services is shared in the Reform Efforts section and referenced earlier in the report.

Use of Screening and Assessment Tools

Each point in the juvenile justice system has a different task, and therefore, warrants a specific screening and assessment process. For instance, decisions about who to detain should be focused on short-term risk of reoffending or failing to appear in court prior to the next court date, while decisions to place a youth in state custody (post-disposition) should be focused on more long-term risk to public safety.

Trends in the Use of Research-Based Instruments

The results of a survey conducted with Louisiana providers in 2011 found that over two-thirds of the providers self-reported they were using research-based standardized instruments that had been either published or purchased, compared to just over 50 percent in 2007. According to providers, 16,073 youth were evaluated using one of these standardized screening and assessments instruments in 2011.

¹²⁹ NMHA, 2003

¹³⁰ Shufelt & Cocozza, 2006

¹³¹ SAMHSA, 2009; MST, Inc., 2007; Robbins & Szapocznik, 2000; Alexander et.al, 1998

In light of this information, both the state and local parishes are now using different tools that guide decision-making and help match youths' identified needs to services. As discussed earlier in this report, these efforts include the introduction of detention risk screening instruments to guide detention decision-making and the implementation of the SAVRY to inform dispositional recommendations and better manage and support youth placed on probation supervision. (For more information on other screening and assessment instruments utilized in 2011, see Appendix E: Tables, Graphs, and Maps Related to Assessments and Services and previous sections on Detention and Probation). Table 1 below provides an overview of some key tools currently in use at key Louisiana juvenile justice system decision points and also offers recommendations for additional tools that should be considered for future use, which would be aligned with national best practices.

Table 1: Current Statewide Screening & Assessment Applications

System Point	Informal FINS	Detention	Probation	Residential / Secure Care	Aftercare
Current System-wide Use	No consistent use (required or voluntary) of valid screening tools statewide	<p>MAYSI-2 Mental Health Screen (used by many Louisiana detention facilities)</p> <p>Detention Assessment Instruments (DSI) to look at immediate risk and need for placement (used by many La. facilities but not statewide)</p>	<p>SAVRY (Structured Assessment of Violence Risk in Youth) – An assessment tool for guiding intervention and supervision plans concerning violence risk in youth</p>	<p>CANS (Child and Adolescent Needs and Strengths) – Used as a case management tool working with the Coordinated Systems of Care</p> <p>SAVRY – used as repeat measure to demonstrate changes in risk/needs and make decisions regarding levels of supervision.</p> <p>Other consistently used diagnostic tools in secure care are unknown.</p>	<p>SAVRY – as a repeat measure ONLY if youth remains on probation. Could be used to help guide early release decisions and could help measure both youth and provider progress in aftercare.</p>
Recommended based on successful pilots in various jurisdictions and best current evidence	<p>JIFF (Juvenile Inventory for Functioning) -- Has been used successfully with FINS in Calcasieu</p> <p>MAYSI has been used to rapidly screen for mental health issues in Rapides in order to appropriately refer for assessment.</p>	<p>Detention Centers without these instruments should adopt both the instrument and procedures for guiding decisions and sharing information. Successful pilots are in Calcasieu, Jefferson, Caddo, Rapides</p>	<p>The 4th JDC has a brief battery of screens to evaluate the appropriate referral to juvenile drug court. These instruments could be used in all 18 of the state’s juvenile drug courts.</p>	<p>Further analysis of facility populations and services are needed to make any further recommendations ; however, health, mental health, developmental disabilities education, dental, and other key areas should be thoroughly assessed for youth in custody.</p>	<p>An aftercare system does not currently exist as a consistently utilized part of Louisiana’s justice system.</p>

Availability of Services

Like screening and assessment tools, it is also critical to have services in place that address the different mission and purpose of each point in the juvenile justice system. Table 2 provides an overview of the key elements that should be included in the service array available for youth at various points and highlights the extent to which they currently exist in the state.

Table 2: Service Array to Target the Specific Needs of Juvenile Justice System Points

System Point	Purpose	Type of Services that Should be Available	Overview of Current Practice in Louisiana
<i>Informal FINS</i>	Triage and Referral; Generally should be a short-term intervention of 1-3 months	<ul style="list-style-type: none"> • Triage and Referral • Crisis intervention • Temporary respite shelter • Brief strategic family interventions • Trauma informed care • Mental health services • Substance abuse services • <i>For very few-</i> Residential Treatment 	<p>A true informal FINS service system does not exist with the exception of components of the ideal service array in local pilots</p> <p><u>Examples:</u> Rapides - has a best practice triage and referral system Calcasieu - has a best practice triage, screening, and service linkage</p>
<i>Detention</i>	Crisis, Temporary Placement, Referral, Transitional Planning: Generally should be a short-term intervention from a few days to one month.	<ul style="list-style-type: none"> • Crisis intervention • Short-brief interventions • Transitional services / Linking youth to services at release • Urgent mental health referral / psychiatric stabilization and support • Educational services 	<p>Detention lacks consistency in operation as standards will not be fully implemented until 2013. The minimum necessary service array will need further assessment and monitoring and technical assistance to ensure the full implementation of the Louisiana Detention Standards.</p>
<i>Probation</i>	Services matched to identified needs to reduce risk and improve behavior	<ul style="list-style-type: none"> • Referral & Case management • Intensive family therapies (e.g. MST, FFT, MDFT) • Substance abuse Treatment • Mental health Treatment • Education intervention • Mentor programs • Skills based therapies • Trauma informed Treatment • Psychopharmacology 	<p>Service matrices are available in all regions matching level of risk/need to services available in the community. The matrices emphasize research driven services where available, but actual quality of services and outcomes are rarely measured or reviewed.</p> <p><u>Example:</u> Jefferson Parish has a promising model for linking youth needs and services, monitoring quality of services, and demonstrating evidence of effectiveness.</p> <p>4th JDC Juvenile Drug Court has a treatment model based on best</p>

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System Point	Purpose	Type of Services that Should be Available	Overview of Current Practice in Louisiana
			<p>substance abuse treatment practices inclusive of both the youth and family.</p> <p>North Shore Technical College has an educational/vocational training model for youth on probation.</p>
<i>Residential/Secure Care</i>	Services are matched to needs and focus on build behavioral skills to transition to release; stays should be as short as possible to address youth's behavioral and treatment goals	<ul style="list-style-type: none"> ● Skills based interventions (e.g. CBT therapies) ● Substance abuse Treatment ● Trauma Treatment ● Mental Health Treatment ● Psychopharmacology ● Education / GED services ● Family therapy ● Family transition and/or permanency options for discharge ● Sexual offending behavioral interventions ● Health services 	<p>OJJ has its "LAMOD" model being implemented. Modeled after the Missouri Model.</p> <p>OJJ utilizes "Thinking for a Change" a cognitive-behavioral model for juvenile offenders.</p> <p>The Louisiana Behavioral Health Partnership and Coordinated Systems of Care work towards improved services for diverting youth from placement and continuity of care during transitions between placement and community.</p>
<i>Aftercare</i>	Transition to independent and/or family supported community living and educational, vocational work	<ul style="list-style-type: none"> ● Family trained to reinforce individual skills youth learned in placement ● Individual skills reinforce, problem solved in real world setting, and sustained ● Transitional and independent living skills supported ● Reintegration to family and community is guided and supported ● Continuity of care with health, mental health, and education planned and maintained ● Job, vocational placement 	<p>The state does not consistently render aftercare services adhering to any specific model.</p> <p>Aftercare remains largely dependent on locally driven court decisions regarding release versus demonstrated progress of the youth in care.</p>
Engagement and family inclusion should occur at all system points, whenever possible			

Data on Youth Service Needs

Different surveys, studies, and data from newly-introduced screening and assessment tools have helped to paint a clearer picture of the various needs and risks present among Louisiana's youth at various points in the continuum, ranging from those who might qualify for prevention or early juvenile intervention to those who are subsequently detained or committed to custody. Ultimately, this type of information can help identify service gaps and guide planning for future interventions. Below are some examples of data that has been collected:

- *Prevention and early intervention:* The 2009 TeenScreen, which screened a large sample of middle school youth in Northern Louisiana, found that almost 20 percent of youth were at risk for a mental health problem.¹³² Importantly, it captured information about what problems this group of young people was experiencing in middle school, noting that 10 percent reported alcohol, tobacco, or other drug use; 20 percent reported bullying; 32 percent reported family violence, and 49 percent reported anger management.¹³³ Separately, the 2010 Caring Communities Youth Survey, which analyzes trends in key indicators of delinquency risk for youth in Louisiana schools, has shown that although rates for most key indicators of delinquency and antisocial behavior remain above national averages, they have remained stable over the course of four years.¹³⁴ Finally, data from a small sample of youth who completed the MAYSI-2 screening, as part of the informal FINS process in central Louisiana indicated that the proportion of young people were most often flagged for anger, suicide ideation, and thought disturbance.¹³⁵
- *Adjudicated delinquents and probation:* Since the statewide adoption of the SAVRY in 2010, OJJ and local area probation departments have more data on the specific risk and protective factors associated with delinquent behavior. As noted in Figure 23, preliminary SAVRY data suggest that disruptive behavior, mental health, and peer affiliation needs tended to be the highest rated concern from youth on probation.

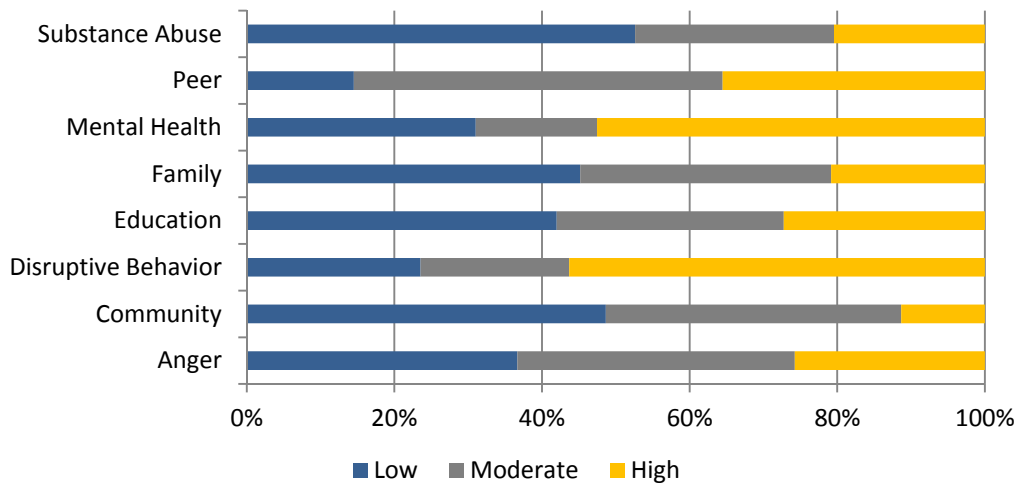
¹³² TeenScreen 2009

¹³³ McGrew, 2010

¹³⁴ Caring Communities Youth Survey, 2010. Specifically, Louisiana 8th graders report that they are suspended from school, have been arrested, and/or attacked someone with the idea of seriously hurting them at significantly higher rates as compared to norms for 8th graders around the country. Furthermore, key community, family, school, peer, and individual risk indicators appear to remain fairly stable, but often above national behavioral norms. Those most above national norms for 8th grade students include communities that have laws & norms that favor drug use, families with histories of antisocial behavior, parental attitudes favoring drug use, academic failure, early initiation of alcohol and drug use, a low perceived risk of drug use, and interaction with antisocial peers

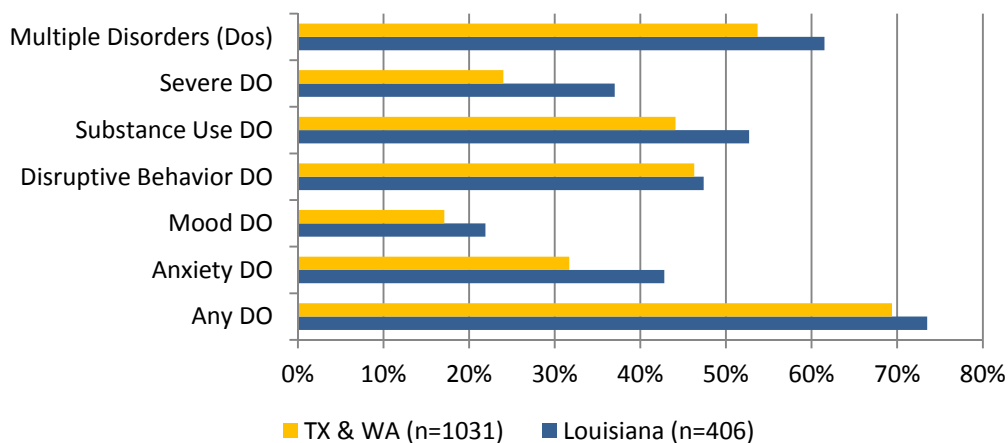
¹³⁵ 2007, 2009, and 2011 MAYSI-2 Screen analysis

Figure 23: Statewide Needs Summary of Youth Referred to OJJ Based on the SAVRY, 2011 (N=1,134)



- *Youth in detention and secure facilities:* Results of a study of detained and incarcerated youth showed that youth in Louisiana had higher rates of mental health disorders compared to other states, demonstrating higher rates of anxiety, mood (e.g. depression), substance use, and more severe, debilitating mental health disorders, as illustrated in Figure 24.¹³⁶

Figure 24: Mental Health Needs of Detained or Incarcerated Youth (NCMHJJ- Shufelt & Cocozza, 2006)



¹³⁶ National Center for Mental Health and Juvenile Justice – Shufelt and Cocozza, 2006

Reform Efforts in Last Five Years

Several evidence-based programs and practices, including Multisystemic Therapy (MST), Functional Family Therapy (FFT), and Motivational Interviewing (MI), have been adopted on a wider scale throughout the state.

Recognizing the importance of investing in interventions with a proven track record, Louisiana has undertaken efforts to adopt and expand the use of evidence-based programs and practices. (See Appendix E for a summary of where promising evidence-based services are being implemented.) Particularly notable has been growing presence of two nationally-recognized, community-based, in-home interventions, MST and FFT. Both models have been shown to demonstrate success in lowering recidivism, preventing out of home placement, decreasing mental health symptoms, reducing family conflict, increasing school performance, and lowering substance abuse with moderate and high risk/need youth. With funding from OJJ and technical assistance from Louisiana Models for Change and IPHJ, four local sites, including Jefferson, Calcasieu, and Rapides Parishes, and the 16th JDC, obtained training for FFT therapists and began implementation. To date, the use of these two programs has been expanded across Louisiana (for more information, see Appendix E), and the state is now ranked 2nd in the nation for advancing these two services per capita.¹³⁷ Together these two programs now have a total of 44 teams throughout Louisiana and are serving over 2,200 families annually.

What are MST and FFT?

Multisystemic Therapy (MST): Trained counselors help parents respond to the behavior of their adolescents by providing intensive therapy and crisis intervention over a four-month period.

Functional Family Therapy (FFT): Individual therapists work with a family in the home to improve problem solving, increase emotional connections, and strengthen parents' abilities to provide structure, guidance, and limits for their children.

Similarly, there has been a widespread adoption of Motivational Interviewing (MI), a technique used to elicit behavior change by effectively engaging youth and families to explore and resolve ambivalence related to specific targeted areas of change. MI has been applied to address a wide range of problem behaviors related to alcohol and substance abuse, as well as promoting court ordered behavioral changes in probation interventions. Outcomes associated with MI include improved treatment retention and adherence, increased adherence to service referrals from probation, and increased adherence with court orders. With technical assistance by IPHJ via Louisiana Models for Change, MI practices have been implemented with Jefferson Parish FINS, probation, and service providers; Rapides Parish FINS and probation; Calcasieu FINS and probation; the 16th Judicial District Prosecutors Early Intervention Program, the 4th Judicial

¹³⁷ Greenwood, Welsh, Rosica, Barber & Medrano, 2012

District Juvenile Drug Court; and, to a more limited extent, throughout OJJ's probation offices statewide.

The 4th Judicial District and the University of Louisiana at Monroe (ULM) have implemented a substance abuse assessment model to more effectively screen, assess, and treat youth in the juvenile drug court.

Through a collaboration supported by Louisiana Models for Change, the court and ULM implemented research-driven practices to screen, assess, and treat the youth in its juvenile drug court. This effort put into place standardized, scientifically-sound screening and assessment instruments (including the Substance Abuse Subtle Screening Inventory, CRAFFT, and the Comprehensive Adolescent Severity Inventory) that were appropriate for the population being served; established clear decision rules and response policies for both further assessment and service linkage; and crafted policies to establish what information will be shared and how it will be communicated to ensure the best working relationship between treatment services and the court. This model is being reviewed by juvenile drug courts as a model for replication throughout the state. The goal is that these policies will be further developed by the Louisiana Supreme Court's Juvenile Drug Court Program in collaboration with IPHJ.

**Painting a Clearer Picture
of Provider Capacity**

At the state and local levels, Louisiana Models for Change partners created an instrument that has been utilized to analyze trends in services provided to youth in the juvenile justice system. This instrument has provided critical information to state agencies, regional Child and Youth Planning Boards, and local jurisdictions to assist them in understanding current services available to system-involved youth, quality of those services, gaps in service, and the capacity of existing providers based on level and type of staff and the youth needs they serve. Most notably, this instrument has aided strategic planning and facilitated transformation in a number of service provider organizations to adopt better practices to meet local needs, including Jefferson, Calcasieu, Rapides, and the 4th Judicial District. Between 2007 and 2011, this survey found a 35% rise in the proportion of juvenile justice related programs self-reporting as an evidence-based program. Even more importantly, the proportion of youth being served by evidence-based programs compared to other programs also rose.

The 16th Judicial District and Rapides Parish have developed effective partnerships between the juvenile justice system and local schools, which have improved linkages to needed services without formal court or system involvement.

Traditionally, partnerships between schools and juvenile justice agencies have led to a net-widening effect with youth arrested at higher rates and or expeditiously sent to courts without an exhaustion of lower-level, informal behavioral interventions. In two sites, Louisiana has demonstrated that juvenile justice services and schools can work together to provide youth

with needed interventions without increasing arrests or accelerating paths to juvenile court. In the 16th Judicial District, the prosecutor's Early Intervention Program is collaborating with local schools to offer a combination of evidence-based practices, such as motivational interviewing, cognitive-behavioral treatment, FFT, and parenting approaches, which has led to increased attendance, decreases in family conflict and behavioral problems at school, and lower recidivism rates in relation to delinquent acts. In Rapides Parish, this partnership involved the implementation of research driven practices for School Resource Officers. Local police and school-based officers received Crisis Intervention Training for Youth (CIT-Y) which focuses on how best to respond to youth with mental illness. Specifically, CIT-Y helps officers learn how to de-escalate youth, better assess situations, and link youth with mental illness to services instead of arrest whenever possible. Both programs are well-documented and can be shared with other jurisdictions.

Beginning in 2010, both OJJ and Jefferson Parish began to emphasize a preference for evidence-based programs through its RFP process, leading to an increase in research-driven interventions.

Recognizing the value of investing in proven programs, both OJJ and Jefferson Parish have used their contracting processes to secure evidence-based programs. Jefferson Parish demonstrated the most progress in this area: in 2007, officials reported no contract dollars were being spent on evidence-based programs for its youth on probation. As of 2010, all (100%) of Jefferson Parish's probation service contracts were signed with providers offering evidence-based programs, affording 94 percent of their youth on probation with access to a proven service. Even though OJJ's ability to contract for community services has recently been curtailed, both entities have helped propel a new framework for RFPs that prioritizes funding for the implementation of the best evidence-based programs; requires unproven programs to include an evaluation component to continue funding; and discontinuing funding support for programs found to be ineffective.

There has been increased training to support the understanding and use of both the SAVRY and new evidence-based programs and practices statewide.

Each of the OJJ regions, along with the local probation offices that have implemented the SAVRY, received training on how to administer and effectively and actively use the instrument to guide informal case planning. It is now policy that each office must conduct "booster" trainings every six months. In addition, state and local leaders, with assistance from national experts, have reached out to judges and attorneys to present and discuss the purpose of risk assessment, background on the SAVRY and its research evidence, and insight into what risk assessments can and cannot do.

Separately, many regions and local agencies involved in juvenile justice have placed a major emphasis on raising awareness about evidence-based practices by regularly meeting with

stakeholders and decision-makers. Drawing on the resources of Louisiana Models for Change and coordinated by IPHJ, these events have helped secure buy-in from stakeholders (including judges, attorneys, and families) and helped them become better-versed in their local jurisdictions' target populations, resources, and needs, and how they align with particular evidence-based programs and expected outcomes. Although much of this knowledge has been institutionalized, it will be critical to have a best practice resource available in the future to continue disseminating new and updated information about evolving practices and other programs.

Areas of Need and Related Recommendations

Area of Need: Valid tools have yet to be disseminated to scale at critical points outside of post-adjudication (e.g. FINS, diversion, specialty courts, and re-entry services).

Recommendation 14: All entities tasked with screening and/or assessment in the juvenile justice system (FINS, diversion, probation, specialty courts, detention, secure care, and re-entry providers) should be mandated to use best practice decision-making tools.

Louisiana should recognize the success of several pilot projects that have been introduced throughout the state and support the dissemination of these practices to bring them to scale. The use of these valid screening and assessment tools accomplishes a number of things beneficial to the youth and the system. These tools assist in the identification of needs; guide matching of needs to services; and provide data to systems to continually offer a snapshot of the needs of youth contacting the system so service planning and resource allocation can be better achieved. Technical assistance is needed to assist in the identification of the proper instruments for each decision point, as well as ensure quality implementation. This technical assistance should also guide development of policy and processes that address proper sharing of information, data utilization, and sustained implementation.

Area of Need: Screening and assessment is not enough, known risk and needs must be prioritized and then addressed as necessary for both public safety and improved youth and family outcomes.

Recommendation 15: Ensure that effective and timely linkages are made to appropriate services for youth following the screening and assessment process.

Screening does not change behaviors or outcomes; however, they can simply and effectively identify issues that need to be evaluated further. Positive screens should lead to assessments, and assessed issues should then be matched with services designed and proven to respond to that particular issue. These assessed issues must also be prioritized, since not all issues can or should be addressed simultaneously. In an ideal system, youth continue to receive objective assessment measures in order to help demonstrate progress in addressing risk and needs. This feedback can be used to determine provider effectiveness, move youth into less or more secure settings as needed, and monitor the changing needs of a jurisdiction in order to more strategically design or maintain their service array.

Area of Need: Successful pilots have been demonstrated, typically driven by active and functional Children and Youth Planning Boards receiving technical assistance; however this is the exception and not the norm for practice across Louisiana, especially for multi-parish jurisdictions reliant on state versus local resources.

Recommendation 16: Local and state juvenile justice officials should work closely with the Louisiana Behavioral Health Partnership and OJJ to map available services, inform the development of new services, and work to address barriers to access.

Nationally and in Louisiana, far too many youth with mental health and substance abuse needs fail to find help prior to coming into contact with the juvenile justice system. One of the best supports a juvenile justice system can have is a behavioral health system that is accessible and effective so that symptoms of mental illness do not become behaviors reframed to delinquent actions resulting in youth being sent away from the very community services needed. In fact, one of the best supports for a healthy, functional probation and diversion system is to have services that can be accessed so that costly out-of-home placement does not become over used.

Louisiana is undergoing a major transition in its behavioral system with the introduction of the Louisiana Behavioral Health Partnership,¹³⁸ which remains in its early stages (starting in March, 2012). While this is a promising step, to date, many available and/or developing services are not fully implemented. Mapping available services to inform stakeholders of both what is available and what is needed is critical. Gaps include alternatives to detention such as family crisis response and respite care, as well as clear linkages to mental health and substance services to prevent youth from unnecessary penetration of the system.

Mapping should lead to strategic planning that identifies barriers to accessing services, such as geographic distance, transportation, waiting lists for services, unmet needs, and a lack of a timely response to identified needs. Unfortunately, in these cases, worsening behavior is rarely looked at as a flaw of the system, but rather solely, as an increase in their individual delinquent activity. Accessible, quality behavioral health services, delivered in a timely manner can lead to some of the most substantial reform needed in the juvenile justice system ensuring youth with mental health disorders are effectively treated.

¹³⁸ The Louisiana Behavioral Health Partnership, managed by the Office of Behavioral Health, is the new system of care for adults and children who require specialized behavioral health services, including those children who are at risk for out of home placement under the Coordinated Systems of Care. Magellan, OBH, Medicaid, Office of Juvenile Justice (OJJ), Department of Children and Family Services (DCFS), and Department of Education (DOE), together form the Partnership. The LBHP is designed to serve children with extensive behavioral health needs either in or at-risk of out-of-home placement; Medicaid-eligible children with medically necessary behavioral health needs who need coordinated care; adults with severe mental illness and/or addictive disorders who are Medicaid eligible; and Non-Medicaid children and adults who have severe mental illness and/or addictive disorders.

Through better coordination of services, the Louisiana Behavioral Health Partnership aims to:

- Enhances the consumer experience;
- Increases access to a more complete and effective array of behavioral health services and supports;
- Improves quality of care and outcomes; and
- Reduces repeat ER visits, hospitalizations, out-of-home placements and institutionalizations.

PART IV: AVAILABILITY AND USE OF DATA

Many local and state juvenile justice agencies across the country have come to recognize that having consistent and reliable data are essential for measuring and tracking system impact and performance. But, despite this recognition and some important improvements, there continues to be tremendous variability across the country in the quality and quantity of juvenile justice data, and how those data are used (or not used) to gauge impact and performance. When it comes to juvenile justice, policy makers and the public will continue to demand system accountability, particularly in times of serious fiscal challenges. Without good data, many juvenile justice organizations will continue to face shrinking resources unless they can show that what they do makes real, tangible differences in the lives of young people and their communities.

Reform Efforts in the Last Five Years

In 2005, Louisiana's juvenile justice data circumstances were quite fragmented. At the state and local levels, automated data systems were not as developed as they are today, and juvenile justice agencies did not routinely "use" data to assess key performance indicators and were not as "data-driven" as at least some of these organizations are today. For example, in 2005-2006, OJJ could not readily produce the types of trend data that it now routinely generates. Instead, OJJ population counts were primarily based on single day data "snapshots" rather than average daily populations, and other more precise and meaningful measures. OJJ length of stay and recidivism data were also not as detailed and readily available as they are today. At the parish level, most local jurisdictions that provided local detention and probation trend data for this report were not able to easily produce these data back in 2005.

Are there national and state sources that can help Louisiana identify core juvenile justice data that should be collected?

Nationally, there is no single “data model” or core listing of juvenile justice data that can be used as a definitive data reference source. In part, this reflects the fact that there is no one juvenile justice “system” but, in fact, thousands of systems each with at least some unique components. That said, one national publication that can be used to help states determine the types of core data they should consider for routine collection is the U.S. Office of Juvenile Justice and Delinquency Prevention (OJJDP) Juvenile Offenders and Victims National Report. This report, prepared by the National Center for Juvenile Justice for OJJDP, compiles a wide array of data from state and local sources and offers examples of important juvenile justice information.

Another possible source for identifying core data, also prepared by NCJJ, is the recently released Juvenile Court Statistics 2009 report that draws on data from the National Juvenile Court Data Archive to profile more than 1.5 million delinquency cases handled in 2009 by U.S. courts with juvenile jurisdiction. The report also tracks trends in delinquency cases between 1985 and 2009, and in petitioned status offense cases between 2005 and 2009.

There are some states and jurisdictions, including some with more centralized court systems than Louisiana, that have developed very sophisticated juvenile justice information systems. Examples can be found in Arizona, Delaware, Florida, Washington State, and other areas. However, these data systems usually only capture data segments (e.g., court or probation activity) for which they have responsibilities, although some jurisdictions are trying to improve cross-system capabilities to also include child welfare and education data. These are daunting efforts that, again, seem to reflect growing recognition of the need for better data for our youth serving systems.

Sources: <http://www.OJJDP.gov> and <http://www.ncjj.org>.

Despite continued reliance on a variety of separate data systems (this report alone includes data from at least 11 different state and local sources),¹³⁹ there has been considerable and important progress in Louisiana at the local and state levels. Some of these areas of reform are highlighted below, including examples of sources of data that were used for this report.

The development of the OJJ data warehouse represents one of the most important signs of progress in Louisiana.

The OJJ data warehouse captures information from the agency’s Juvenile Electronic Tracking System (JETS), adult corrections, and other sources. Its web-based reporting tool enables OJJ to produce a wide variety of reports to examine a broad range of management priorities. This includes a detailed examination of population trends including admissions, discharges, youth served, average daily census, legal status and placement transitions for youth in OJJ custody, analysis of time in custody, risk and needs assessment (i.e., the SAVRY) data, and services utilization. While the data warehouse has enormous potential

There has been an overall improvement in Louisiana’s ability to collect, analyze, report, and use important juvenile justice data—capabilities that simply did not exist five or six years ago.

¹³⁹ Examples of these systems and the various entities that use them include:

- OJJ – Juvenile Electronic Tracking System (JETS) and the OJJ Data Warehouse (which captures data from JETS, adult corrections, and other sources).
- IJJIS – a web-based system that was originally developed with support from the Louisiana Supreme Court. The Supreme Court took the lead in design, planning, and funding initial IJJIS development. Separate modules were developed for the court/clerks, prosecutors, probation, and detention. IJJIS has been implemented at various levels in different jurisdictions in Louisiana with mixed impact. The Louisiana Supreme Court has provided some funding support for IJJIS but the level of continuing support is unclear. If a local jurisdiction or office wants to implement IJJIS, at least some if not all of the fiscal burden falls on that jurisdiction.
- Caddo Parish – Integrated Juvenile Justice Information System. Caddo has implemented IJJIS more fully than any other parish.
- Calcasieu Parish – Juvenile Case Manager System (JCMS). In some respects, JCMS has become a benchmark local system in Louisiana. However, it is limited to detention and probation data, it does not capture all relevant court data which are entered by court clerks in a separate system.
- East Baton Rouge Parish – AS400 “Legacy” System for court and probation data, and a stand-alone MS Access database (developed internally) for detention data.
- Jefferson Parish – AS400 “Legacy” System for court and probation data, with detention data obtained from the IJJIS detention module. Jefferson Parish is also using an IJJIS-compatible module along with the state FINSAP system for informal FINS data. More recently, Jefferson Parish has been testing other IJJIS components within its Department of Juvenile Services.
- Rapides Parish – AS400 “Legacy” System for court data and a stand-alone database for detention data.
- Louisiana Supreme Court – the FINSAP (Families In Need of Services Assistance program) case tracking system for informal FINS data.

for informing policy as well as real utility as a case management tool, the challenge for OJJ will be to continue to be how it “uses” data to guide decisions and how data generated by the data warehouse is best reported to and shared with key stakeholders in the juvenile justice system including the courts, prosecutors, defenders, and other key stakeholders. That said, this study’s heavy reliance on data provided, organized, and analyzed by the OJJ Data Warehouse staff offer testimonials to its value.

Over the past five years, there has been an unprecedented level of collaborative juvenile justice data analysis, data sharing, and technical assistance, with much of this tied to the MacArthur Foundation’s Louisiana Models for Change initiative.

Under the leadership of the Board of Regents and IPHJ, a state “data group” was created for the Models for Change initiative to ensure that important data needed for the initiative were collected, available and shared. Louisiana Models for Change data group partners included the LSU Health Sciences Center (as lead entity), the University of New Orleans (UNO), the data coordinator, and various Models for Change consulting organizations. This data group, along with other state and local entities that provided data for the JJIC study (through memoranda of understanding), have demonstrated, at least in a preliminary fashion, how key data can be assembled, organized, and utilized by leadership to improve decision-making. These approaches can continue to be adapted and enhanced in Louisiana in the future.

Through Louisiana Models for Change, a juvenile justice data warehouse was created at the University of New Orleans to house, organize and analyze key data aligned with the initiative.

Between 2007 and 2011, through the Models for Change initiative, Rapides Parish, Jefferson Parish and other Models for Change sites received manpower and technical support from the University of New Orleans (UNO) to analyze and organize their key juvenile justice data. This technical support included creation of a prototype data warehouse to help UNO analyze, summarize, and report on the data.¹⁴⁰ The prototype showed how data from different jurisdictions and sources can be integrated and presented in meaningful ways for juvenile justice agencies and other policy makers.

A number of juvenile justice agencies and offices have significantly improved their data capabilities, including:

- The Calcasieu Parish Office of Juvenile Justice Services (OJJS), which has enhanced its JCMS data system and expanded detention, probation, and workload analysis. OJJS has also become a model for data-driven policy and practices, with data becoming a core

¹⁴⁰ See Childs, K., & Frick, P. *An Interim Summary of the Louisiana Models for Change Data Deliverables*. March 2012. The John T. & Catherine D. MacArthur Foundation, Models for Change Systems Reform in Juvenile Justice.

priority for the agency. For example, at weekly OJJS management team meetings (otherwise known as “Fridays with Data”), each meeting begins with a data presentation on the topic of greatest concern. The management team uses JCMS during these meetings to drill down and examine key issues and then actively uses data to develop appropriate problem-solving strategies. OJJS has presented this approach, and the impacts it has had, at national juvenile justice conferences, and has received visitors from jurisdictions within and outside Louisiana (most recently, from Washington State).

- The Jefferson Parish Juvenile Court’s AS400 “Legacy System” tracks a considerable amount of court and probation data. While this system is in the process of being replaced (it has been in place for many years), the Jefferson Parish Department of Juvenile Services (DJS) has used data from the system to expand its data-driven efforts, including an extensive review of its probation practices (with assistance provided through the Models for Change initiative). Today, the Jefferson Parish DJS tracks local recidivism (counted as new arrests) and other important performance measures that it did not track five or six years ago. More recently, Jefferson Parish began pilot testing a number of IJJIS components as it looks ahead to further improving its data capabilities, though it is too early to tell if IJJIS will meet the future data needs of DJS.
- The juvenile unit of the Rapides Parish District Attorney’s Office is using the IJJIS prosecution component to build its data capacities. As a result of the experiences in Rapides Parish, work is underway with the Louisiana District Attorney’s Association (LDAA) to develop a number of data reports that should be useful to prosecutors handling juvenile cases.¹⁴¹
- The Louisiana Supreme Court’s Drug Court Office recently implemented an improved version of the Drug Court Case Management (DCCM) system. The DCCM is used in all 17 juvenile drug courts in the state and is supported by a full time data analyst at the Supreme Court. The combination of a knowledgeable support person along with the improved version of the DCCM has improved the quality and range of juvenile drug court data in a number of jurisdictions, including program outcome data. Through the Models for Change initiative, the 4th Judicial District in northeastern Louisiana not only reformed its drug court program but also substantially improved how that JDC tracks drug court cases and outcomes on the DCCM system. The 4th JDC juvenile drug court data approach, developed in partnership with the Louisiana Supreme Court’s Drug Court Office, represents an emerging prototype that could be adapted in all juvenile drug courts in the state.
- The Louisiana Children’s Cabinet recently released its “Kids Dashboard” that provides a range of important statewide data on children and youth in Louisiana (go to

¹⁴¹ See Simpson, T. & Frick, P. (2011). *Model Data Collection and Reporting in the Rapides Parish District Attorney’s Office*. Louisiana Models for Change Initiative.

www.kidsdashboard.la.gov). Some key OJJ and FINS data are included in the dashboard. Again, this type of easy to use data source did not exist five years ago.

- OJJ recently finalized its juvenile justice indicators and posted its first quarterly report online.¹⁴² According to OJJ, these reports are intended to offer an up-to-date view of juvenile custody and supervision populations, both statewide and for five OJJ service areas. Reviewing this information will enable stakeholders at every level to follow trends, inform planning, and identify areas in need of further investigation.

Areas of Need and Related Recommendations

Good, reliable juvenile justice data should be viewed as an essential tool to gauge how well local parishes and the state track and respond to juvenile crime. Simply put, effective interventions for juvenile offenders can stop these young people from becoming adult offenders, but good data are required to document these effects. Because of the complex nature of Louisiana's juvenile justice system, it is essential for the state and local jurisdictions to work together to continue to improve their capacity to collect, analyze, report, and actively use data. The data presented in this report suggest there have been important improvements in the state, but challenges remain. These, along with their related recommendations are outlined below.

Area of Need: While local and state officials have made important improvements in collecting and analyzing juvenile justice data in several areas of the system, gaps in data persist and additional improvements are required.

Recommendation 17: Further improve local and state capacity to collect and analyze juvenile justice data.

Area of Need: Historically, the proportion of the state population for which adult and juvenile arrest counts were provided to FBI and included in its annual Uniform Crime Reporting (UCR) databases/reports has consistently been less than 80 percent.

Strategy 17-1: Appropriate steps should be taken to improve the reporting of juvenile arrest data in Louisiana.

There is a continued need for consistent reporting of juvenile arrest data in Louisiana. It is difficult to make accurate estimates of annual juvenile arrest trends (e.g., increases or decreases in total arrest as well as by offense type) when arrest data are not reported in jurisdictions representing upwards of 20% of the state's population. Arrest data represent one very important measure of juvenile crime. Law enforcement agencies across the state should receive appropriate support to help improve the state's arrest data reporting threshold.

¹⁴² To review the first report, see: <http://ojj.la.gov/ojj/files/OJJ%20Indicators%202012Q3.pdf>

Area of Need: Currently, Louisiana is not consistently capturing and reporting critical diversion data.

Strategy 17-2: Appropriate steps should be taken to improve the availability and consistency of diversion data.

Louisiana needs better information on diversion decisions, programs, and outcomes, especially pre-filing diversion that may be managed by District Attorney offices and/or law enforcement agencies. Diversion represents a critically important “front-end” decision point. When youth are effectively diverted at the point of early or first contact with the juvenile justice system, they are less likely to return as juvenile or adult offenders.

Area of Need: While OJJ has made important progress in the capabilities of the JETS data warehouse, funding constraints have hampered agency efforts to support and expand ongoing data analysis and research efforts.

Strategy 17-3: OJJ should continue to expand its use of the JETS data warehouse and should take appropriate steps to share important data that this system can produce.

As noted in this report, over the past five years, OJJ has significantly improved its internal data capabilities, including the provision of summary data used in this report. However, while these improvements are laudable, it appears that funding to support this effort is limited. This will hamper the expansion of the data warehouse and in ways that should be a priority over the next five years. This includes expanded analyses of SAVRY data – specifically the impact of the tool on secure and non-secure placements, probation supervision levels, and determination of services. Additionally, important trend and other information should be shared, as appropriate, on a routine basis with jurisdictions and key stakeholders throughout the state. Overall, with adequate resources and/or time, OJJ can continue to expand the range of data available on the OJJ website.

Area of Need: Often, OJJ does not have access to important information about youth outside of their involvement with the agency.

Strategy 17-4: The Office of Juvenile Justice should continue to work with courts that commit youth to its custody to find appropriate ways to improve the breadth and quality of data provided to OJJ upon commitment.

As indicated earlier, OJJ has made important strides in improving the data it maintains on youth placed in their custody or supervision. However, it is important to note that historical juvenile justice system involvement data provided the agency by the court at the time of disposition data are generally limited to information on arrests, court actions and other activities that

directly resulted in a youth's placement in OJJ custody or supervision. Arrest, diversion, petition filing, and court data that are not directly tied to a youth's involvement with OJJ are typically not reflected in the agency's database.

Without the appropriate level of historical information on committed youth, the data available to OJJ may not present the full picture of a youth's involvement in the juvenile justice system.

Area of Need: Historically, there have been challenges with the consistency of informal FINS data, data reporting, and the ability to provide annual trends and local technical support to system users.

Strategy 17-5: The state should improve its capacity to maintain, report, and actively use comprehensive data on Informal FINS populations, system practices, and outcomes; and should establish timeliness and quality outcome thresholds for all FINS services.

As described previously, the Louisiana Supreme Court's FINS-AP case management system is used statewide. Due, in part, to limited resources, the state has faced challenges ensuring that the data are consistent and reliable. Additionally, while this report presents FINS-AP data for 2010, as noted previously, trend data from the FINS-AP system are not readily available or routinely generated. Developing the capabilities to routinely produce informal FINS trend data will be essential for gauging changes that may occur at the "front end" of the juvenile justice system.

In addition to challenges with the reliability and trend capacity, the system has limited information on the needs of youth entering the Informal FINS system, system practices (e.g., intake and processing times and quality of interventions), and case outcomes (e.g., court petitions).

Recommended Informal FINS Data Collection Categories

Below are some of the key areas of information that should be included in the state's effort to better track and understand Informal FINS youth, system practices, and case outcomes. Note, this list is not exhaustive. Rather, it provides a general framework for the type of data that are important (some factors that are already collected by FINSAP are included below, and are marked with a check mark).

Describing the Population:

- Number of referrals
 - Number/percent by demographic information (race, ethnicity, age, gender, home zip code, school, grade)
 - Number/percent by type of risk areas identified (e.g. mental health, substance use, educational, developmental)
 - Number/percent by current or prior involvement in the juvenile justice, child welfare, or FINS systems.

Evaluating System Processes and Outcomes:

- Number/percent of referrals by referral source
 - Number/percent that received a validated screening and/or assessment
- Number/percent accepted for Informal services
 - Time (in days) from referral to intake
 - Number/percent open beyond 90 days
 - Number/percent afforded respite care or runaway shelter (with length of stay)
 - Number/percent referred for services
 - Number/percent participating in program services
 - Number/percent referred for court petition
 - Number/percent not adjudicated delinquent within one year of case closure
 - Number/percent remaining out of detention and placement (respectively) for one year following case closure
 - Number/percent with change in behavior/level of risk/need following Informal FINS intervention/s

It is recommended that the state require and adequately fund data collection and reporting that allows the entity charged with overseeing the FINS system and each parish to, on a regular basis, (1) adequately describe the FINS population being served and (2) adequately evaluate the effectiveness of the Informal system in meeting its stated objective of safely diverting young people and families away from the juvenile justice system. As part of this recommendation, it will be critical for the state to clearly outline the data collection policy (and protocols) for all FINS offices to follow, with a description of the types of data that must be collected (see side

bar on previous page for recommended areas of information), and develop the capacity to annually document and publicly report this information at an aggregate level.

Area of Need: With financial support from Models for Change, the LJDA has been assigned the task of not only helping detention centers implement statewide detention standards, but also helping the centers agree on and report out a common set of data elements. However, this funding support will be ending soon.

Strategy 17-6: The Louisiana Juvenile Detention Association (LJDA) should receive appropriate and continued technical assistance through the proposed Louisiana Juvenile Justice Data Repository and Analysis Center (see Recommendation 18).

As described in the recent statewide survey of Louisiana juvenile detention centers, while 13 of the 15 facilities use electronic methods to collect and generate data, the types of data systems used by these centers are quite varied as are their capacities to track and report out on detention admissions, discharges, length of stay, and how these vary by race, ethnicity, gender, age, offense, etc.¹⁴³ As the LJDA works to support and assist the state's detention centers agree upon and report out a common set of data indicators (particularly those required in the statewide detention standards), the state should ensure that the association receives funding support and appropriate technical assistance from the proposed Louisiana Juvenile Justice Data Repository and Analysis Center. However, in the interim, it may be beneficial for the LJDA to receive continuing technical assistance from national organizations that have extensive detention data experience (e.g., the Annie E. Casey Foundation, the National Juvenile Detention Association, or others) as it strives to help the 15 juvenile detention centers in Louisiana improve their internal data collection and external data reporting capabilities.

Once core detention data are agreed upon, those data should be reported in a standardized fashion and on a routine basis to the LJDA.

Area of Need: The LAJAO faces challenges in analyzing the court data it receives, and in providing data quality assurance to ensure that the data reported by the 76 or so courts are accurate, especially delinquency and formal FINS filing data.

Strategy 17-7: The Louisiana Supreme Court's Judicial Administration Office (LAJAO) should receive appropriate technical support to help it implement initial quality assurance steps for the court filing data it receives on an annual basis.

¹⁴³ See Gottlieb, K., Childs, K., & Frick, P. (2012) *Survey of Louisiana Juvenile Detention Centers*. John T. & Catherine D. MacArthur Foundation. Models for Change Systems Reform in Juvenile Justice.

The LAJAO receives court filing and related data from all courts across the state on an annual basis and presents filing totals in the Supreme Court’s Annual Reports.¹⁴⁴ However, the office currently does not have the means to ensure that the reported data are accurate (the need for this support also applies to informal FINS data entered in the state FINS-AP system). At a minimum, the LAJAO should be compiling delinquency and formal FINS filing breakdowns to track whether important changes are occurring across the state in these categories. For example, declines in delinquency and/or FINS filings over time could be important correlates or indicators of declining juvenile crime activity. Significant filing increases over time could reflect the opposite.

Area of Need: While OJJ has a definition of recidivism for the youth discharged from agency custody or supervision that reflects recommended national standards for measuring juvenile recidivism, there is no shared and consistent agreed upon statewide definition that includes the five parishes that administer local probation supervision

Strategy 17-8: OJJ and local probation departments should come to an agreement on a common (and achievable) definition and measurement of recidivism, and ensure that consistent information about youth re-offending or deeper re-involvement in the juvenile justice system is shared across parishes and between parishes and the state.

Currently, OJJ has a standard method for defining recidivism — for those young people who were discharged from agency custody or supervision. As noted earlier in this report, the agency tracks the percent of youth discharged within a given year who recidivate within the following one, two and three calendar year increments. Recidivism is defined as: (1) a subsequent re-adjudication for any delinquent offense as a juvenile and recommitment to the custody or supervision of OJJ; or (2) a conviction in adult criminal court and a sentence to the custody or supervision of the Louisiana Department of Public Safety and Corrections (LDPSC).

However, OJJ recidivism rates only account for any subsequent court dispositions that result in recommitment to the agency or an adult court conviction that results in LDPSC probation supervision or incarceration. Any court dispositions that result in local sanctions are not accounted for.

¹⁴⁴ A recent review of Supreme Court Annual Reports (go to http://www.lasc.org/press_room/annual_reports/default.asp) confirmed that, aside from the four statutorily created juvenile courts in Louisiana (i.e., Caddo, East Baton Rouge, Jefferson, and Orleans parishes), there are no breakdowns in the Annual Reports of the different types of juvenile filings handled by the 38 District Courts that exercise juvenile jurisdiction and the 38 City/Parish Courts that exercise at least some juvenile jurisdiction. The District Courts and City Courts do report more specific filing breakdowns to the Supreme Court on an annual basis but these figures do not appear in the Annual Reports. Some differences in the reporting forms used by the District and City Courts, and/or other factors, appear to inhibit the compilation of distinct delinquency and formal FINS counts.

Additionally, local probation offices have varying recidivism definitions and measures, leaving Louisiana unable to report out a statewide recidivism statistic for *all* youth who were placed on probation.¹⁴⁵

It is recommended that the state come to agreement on one standard definition and measure of recidivism, to be used across local probation offices and OJJ. Only then will it be possible for the state to understand how successful probation supervision is in minimizing the chances that a youth will reoffend in the future. In order to get closer to having one standard measure of recidivism, it will be critical for there to be better information-sharing among local parishes and between local parishes and OJJ.

Area of Need: Many jurisdictions in Louisiana that handle juvenile matters do not have the experience or time to engage in deliberative planning that clearly defines desired outcomes.

Strategy 17-9: Local and state juvenile justice agencies should more regularly and consistently define and monitor additional youth outcomes (not limited to recidivism).

While recidivism is an important outcome measure in the juvenile justice system, there are additional measures of system accountability, performance, and outcomes that are meaningful and can help to offer a more comprehensive picture of how well the system is operating. These may include a range of measures that address changes in youth competencies and skills, including but not limited to education or school-related measures (e.g., school re-engagement, retention, and graduation among the juvenile justice population), “successful” program completion rates (that are clearly defined in measurable terms), cost benefit analyses (that indicate whether a juvenile justice program is cost-effective or not), restorative justice measures that address the impact of the juvenile justice system on local communities (e.g., programs that address concerns of victims, effective and innovative community-based diversion options that can be shown to prevent future delinquency), among others. The proposed Juvenile Justice Data Repository and Analysis Center (see Recommendation 18) could serve as the technical assistance provider to sites that struggle in determining appropriate outcome measures. Beyond tracking outcomes for youth in the juvenile justice system, it is also essential to monitor the providers tasked with providing services and programs to ensure they are effective and being used appropriately.

¹⁴⁵ Jefferson Parish, for example, tracks local recidivism data including whether or not a youth on local probation experiences a subsequent arrest. It is important to also note that while it is recommended that there be one consistent measure of recidivism across the state, that should not preclude individual agencies or jurisdictions from also tracking other measures of recidivism.

Area of Need: There continue to be jurisdictional silos in Louisiana’s juvenile justice system with many different courts and entities handling and collecting data pertaining to juvenile matters. This study itself has exemplified the need and utility of bringing data together and available for use.

Recommendation 18: Louisiana should strongly consider developing a statewide “Juvenile Justice Data Repository and Analysis Center,” based upon best practice national models.

As discussed previously, multiple courts share juvenile jurisdiction and different entities handle non-court functions. These courts and entities tend to focus on their own data needs and requirements. Based on the fact that Louisiana’s complex juvenile justice system would require data to be collected from a multitude of courts, prosecutors, juvenile justice entities, and other sources, it is strongly recommended that Louisiana consider the development of a statewide “Juvenile Justice Data Repository and Analysis Center.”

There appears to be strong momentum in this regard. The experiences of and data output produced by the OJJ Data Warehouse and the prototype data warehouse created by Louisiana Models for Change at UNO offer important lessons for creating this resource.

The establishment of a statewide data repository/analysis center would require dedicated funding to support data analysis, cross-system compatibility, report dissemination, and information-sharing. This repository/analysis center could:

- Facilitate consensus around common or core juvenile justice data elements to improve data consistency across jurisdictions;
- Produce data relevant to all phases or stages of the juvenile justice system (from arrest through post-disposition, as well as important outcome data) to help inform policy and practice development, at the state and local levels;
- Develop cross-system data sets and spearhead analysis of these data sets to better understand the degree to which youth and their families are simultaneously or sequentially involved with the juvenile justice, children protection (DCFS), behavioral/mental health, and education systems (among others); and
- Offer guidance and technical assistance to local and state entities that operate their own data systems or that seek local data systems.
- Prepare periodic juvenile justice statistical reports for the JJIC and the legislature.

As important as its technical capacities, the repository/analysis center would need to be staffed by experienced personnel who are grounded with detailed knowledge of how juvenile justice operates in Louisiana and an understanding of the juvenile justice system's data/reporting needs. To develop this detailed knowledge and reporting capabilities, the repository/analysis center will need appropriate technical assistance. The goal of this technical assistance would be to help the repository/analysis center develop the internal capabilities to become a national model of juvenile justice data analysis and reporting.

While having a statewide data repository and data analysis center is considered paramount, improving juvenile justice data capabilities is not solely a state responsibility. Judicial districts, parishes, city courts, and others should continue to search for collaborative and innovative ways to support local data improvements.

PART V: A RETROSPECTIVE LOOK AT ACT 1225

In 2003, the state legislature passed Act 1225 (also known as the Juvenile Justice Reform Act), which was widely considered to be one of Louisiana's most significant pieces of juvenile justice legislation. This landmark act provided a framework for reforming and restructuring Louisiana's juvenile justice system, including the closure of a secure facility, the establishment of structures aimed at increasing the level of cooperation between youth-serving agencies and entities, and the creation of a fund designed to promote the creation of alternative sanctions. This section begins with a retrospective look back at Act 1225's main provisions, including a brief status report of whether and how the provisions were subsequently implemented, followed by a recommendation for how to continue to monitor the remaining provisions going forward.

Juvenile Institutions

Act 1225's first provision called on the state to close the Swanson-Madison Correctional Facility in Tallulah, LA. Specifically, the legislation required the Department of Public Safety and Corrections (which was previously charged with overseeing the state's juvenile facilities) to develop a plan for transitioning youth out of Swanson-Madison, including the creation of aftercare plans for released youth and recommendations for how funding from the facility would be redirected to alternative programs.¹⁴⁶ Under a separate section, DPSC was required to review whether the youth was placed in the least restrictive setting, using a process that relied on a multi-disciplinary team to assess a youth's needs, progress, risk, and community resources on a regular basis.¹⁴⁷ Based on this review, DPSC would then notify law enforcement and victims about the placement review recommendation, develop an appropriate care plan, and file a motion with the court.¹⁴⁸

Status of Provision: The facility in Tallulah was closed in late 2003. However, funds from the closure were not invested in community-based alternative programming as called for in the legislation; rather, the savings were redirected to the adult Department of Corrections.¹⁴⁹

Juvenile Detention Standards and Licensing Procedures

Act 1225 included a provision calling for the development of a single state entity to recommend uniform standards and licensing procedures for local detention facilities.¹⁵⁰ These standards and procedures were to cover many areas, including but not limited to: operational requirements, staff qualifications and training, staff-to-child ratios,

¹⁴⁶ Act 1225 of the 2003 Regular Legislative Session, Part IV-B, §902.2

¹⁴⁷ Act 1225 of the 2003 Regular Legislative Session, Part IV-B, §902.3

¹⁴⁸ *Id.*

¹⁴⁹ Juvenile Justice Project of Louisiana, *No Better Off: An Update on Swanson Center for Youth*, November 2010, 17.

¹⁵⁰ Act 1225 of the 2003 Regular Legislative Session, Part XI-A, §1110.

admission/transfer/discharge/aftercare policies, standards of care, establishment of a humane, safe facility environment, services and programs, and risk and needs assessments to guide detention decisions.¹⁵¹

Status of Provision: Act 1225 called for a single child serving state entity to establish standards, this entity was never created so that detention standards were not developed. In 2010, Act 863 was passed by the legislature, which called for the creation of the Task Force on Juvenile Detention Standards and Licensing which led to the release of new standards in 2012.¹⁵² (For more information, see Detention section.)

Interagency Agreements for Information Sharing Concerning Juveniles

Act 1225 once again called upon the single state entity to develop a comprehensive strategy for fostering interagency agreements and cooperation regarding data sharing on system-involved youth and families among several state agencies, including the Departments of Social Services, Education, and Public Safety and Corrections.¹⁵³ The agreements were to specify the data to be shared among the agencies, the individuals allowed to have access to the data, and security arrangements between the parties to ensure confidentiality and restrict unauthorized access.

Status of Provision: Although the original provisions in Act 1225 were later repealed by Act 119, this act also enacted articles of the Children's Code relative to information sharing among agencies involved in the juvenile justice system.¹⁵⁴

The Education/Juvenile Justice Partnership Act

This provision called on the State Board of Elementary and Secondary Education (BESE) to collaborate with the Louisiana Juvenile Justice Planning and Coordination Board to formulate, develop, and recommend a model master plan for improving behavior and discipline within schools. This model master plan was to include guidelines that: improve communication, coordination, and collaboration between the schools and juvenile justice agencies; enhance safe school planning, classroom management, the coordination of special education and juvenile justice services, and the methods for handling school suspensions; revise school zero tolerance policies to prevent inappropriate referrals; and provide mental health services, better assistance to parents, and more useful annual reports on school behavioral and disciplinary problems.

Status of Provision: According to different stakeholders, the model master plan was never developed, and the Louisiana Juvenile Justice Planning and Coordination Board was repealed by Act 780 in 2008.¹⁵⁵

¹⁵¹ Act 1225 of the 2003 Regular Legislative Session, Part XI-A, §1110.A(1) – A(18).

¹⁵² R.S. 15:1110.

¹⁵³ Act 1225 §1462.E(1) to §1462.E(13)).

¹⁵⁴ Specifically, Act No. 119 enacted Children's Code Articles 541 through 546

¹⁵⁵ Act No. 780 of the 2008 Regular Session of the Legislature

Juvenile Justice Reform Act Implementation Commission

The legislation created the Juvenile Justice Implementation Commission (JJIC), a five-member body charged with overseeing the implementation of Act 1225's recommendations and the continued reform of Louisiana's juvenile justice system.¹⁵⁶ Specifically, the Act outlined its composition, rules of operation, and key issues to address, including: the creation of a single state entity that would provide services to children and families, the closure of Swanson-Madison Facility in Tallulah and development of a comprehensive plan to reduce incarceration and provide more community-based services, and the establishment of priorities for state entities funding children and family services.¹⁵⁷ The JJIC was also given authority to review reports and budget proposals developed by the Children's Cabinet (described in more detail below), propose legislation related to improving juvenile justice, monitor, and advocate for legislation, and take any other action deemed appropriate for restructuring the delivery of juvenile justice services.¹⁵⁸ Finally, the findings from any studies or analysis undertaken by the JJIC were to be reported to the Legislature and Governor.

Status of Provision: The JJIC was formed and has been committed to juvenile justice reform, although it was not provided with funding to carry out its duties or monitor subsequent reform efforts. Among other important accomplishments, the JJIC oversaw the closure of the secure facility at Tallulah, as well as the downsizing and conversion of the Jetson Center for Youth. However, the provision calling on the JJIC to create a single state entity to help coordinate a more effective service delivery system for children and families never came to fruition. In 2004, SB 621 called for the creation of the Department of Children, Youth, and Families, which would have consolidated the functions of the Office of Juvenile Justice, the Juvenile Justice Implementation Commission, and the FINS program under one agency.¹⁵⁹ However, this bill was never passed, leaving many of Act 1225's mandates that related to the establishment of a single entity unfulfilled. For the first time since its inception in 2011, the JJIC was able to commission a study of the status of juvenile justice reform inclusive of Act 1225 performed with the resources of Louisiana Models for Change.

Creation of a Children's Cabinet

The Children's Cabinet, which pre-dated Act 1225, was re-authorized until 2008 to help streamline the myriad state and local departments, offices, and agencies that currently fund and provide juvenile justice services. The Cabinet was also tasked with developing a plan detailing how a variety of services would be reformed and delivered, including (but not limited to) a system of centralized intake; identifying and pooling funds from as many sources as possible; and contracting with service providers and measuring outcomes. In addition, the Cabinet would

¹⁵⁶ Act 1225 of the 2003 Regular Legislative Session, §2751 to §2757

¹⁵⁷ §2755.B(1) – B(3); Additional discussion of the single state entity is included in §2757

¹⁵⁸ §2755.C(1) – C(5)

¹⁵⁹ Senate Bill 621 of the 2004 Regular Legislative Session

assist in coordinating service delivery among agencies, as well as take the lead in adopting and implementing a children's budget that was inclusive of child welfare, juvenile justice, and other children's services provided at the local level.

Finally, this provision established both a Children's Cabinet Research Council to identify research needs in child welfare and juvenile justice and the Louisiana Juvenile Justice Planning and Coordination Board. Among other things, the Juvenile Justice Planning and Coordination Board was responsible for developing a strategic planning process that would guide regionalization efforts, ensure the creation of a continuum of services and coordinate the use of risk and needs assessments, monitor system performance, and support the collaboration and service delivery efforts among agencies.

Status of Provision: The Children's Cabinet was formed, but many of the responsibilities it was given under Act 1225 were repealed following the passage of Act 780 in 2008.¹⁶⁰ Currently, the Cabinet is responsible for monitoring indicators of child well-being for evaluation and planning; adopting and implementing provisions of the Children's budget; and providing technical assistance to Children and Youth Planning Boards. According to stakeholders, the Cabinet meets throughout the year, though it does not have a formal schedule, and keeps the Governor apprised of any key issues that may need to be addressed based on ongoing communications with different agencies. Both the Children's Cabinet Research Council and the Louisiana Juvenile Justice Planning and Coordination Board provisions were also repealed in Act 780.

Establishment of Louisiana Children, Youth and Families Investment Fund

Act 1225 established the Louisiana Children, Youth and Families Investment Fund to promote investment in services and programs for children and families.¹⁶¹ The fund was to draw money from several public and private sources, including savings from restructuring and reductions in facility population, and could be used to support various prevention and alternative programs; technical assistance and training for personnel; and supplemental compensation of prosecutors and indigent defenders. Additionally, a separate section of this provision called on the state to develop community- and school-based systems of progressive sanctions and programs for juvenile delinquents in different regions.

Status of Provision: The provisions that created the fund were later repealed by Act 834 passed during the 2012 regular session.¹⁶² According to stakeholders, the grant program outlined here only exists in law and was never created.

¹⁶⁰ Act 780 of the 2008 Regular Legislative Session

¹⁶¹ Act 1225, Title 46, Chapter 45, Part III

¹⁶² Act 834 of the 2012 Regular Session.

Area of Need and Related Recommendation

Area of Need: Following its inception in 2003, the JJIC has lacked funding and staff support to effectively monitor what happened following Act 1225's passage.

Recommendation 19: The JJIC should monitor the effective implementation of Act 1225's remaining provisions, particularly those related to detention, education, and interagency collaboration, to promote ongoing reform.

Although Act 1225 was heralded as an important piece of juvenile justice legislation, many promising provisions within the act were ultimately left unfulfilled or repealed. As Louisiana continues to move ahead with its reform work, it will be critical for the JJIC to help lead the charge in areas that still require attention, such as reviewing the implementation of state detention standards and fostering collaboration and information sharing between different agencies. To accomplish this goal, the Commission should call upon the local external resource highlighted in Recommendation 3 of this report, which can provide consultation and needed staff support to investigate areas of interest.

CONCLUSION

Over the last several years, Louisiana has made substantial progress in moving from an adult, corrections-focused model of juvenile justice to one focused on treatment and rehabilitation of youth. With the commitment of state and local leaders, facilities have been down-sized and closed, community-based services and programs have been expanded, and the use of data has improved. This work has been all the more impressive, in the wake of the enormous fiscal constraints and challenges, both human and operational, posed by Hurricanes Katrina and Rita in 2005.

Yet, these positive steps forward may be undermined in the future without a concerted effort by practitioners and policymakers across the state to institutionalize reform over the long term. As this report makes clear, there are still many challenges and areas of need that remain unaddressed, even as funding for many reforms supported by Louisiana Models for Change Program comes to a close in 2013. For these reasons, strong political leadership, funding, collaboration, and a continued focus on accountability will be critical to implement and sustain the changes outlined here. Although lasting system change takes time, these recommendations provide a clear path for Louisiana to help the state's young people succeed.