







#### What is Public Policy and What is its Connection to the Budget?

The Governor, the Legislature and the Board of Elementary and Secondary Education have the joint responsibility of setting public policy for the children of Louisiana. Public policy for children includes courses of action, regulatory measures, laws, and funding priorities to address their needs.

Ideally, public policy will be a principled guide to address the needs of children and ensure they mature into productive citizens. It should identify a need and direct resources to meet the need in a way that will assure the desired outcome. Good public policy will provide for investments in evidence-based programs that have been shown, through studies, to provide desired results and deliver a real return on investment.

The executive budget is the primary public policy document for the state. Laws and resolutions that identify needs and responses will not be effective if funding is not provided.

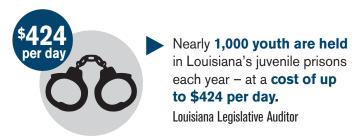
As elected officials, the children of Louisiana are your constituents. The future of Louisiana requires elected officials to make children their top priority to guarantee a vibrant Louisiana in the future.

The term, Evidence-Based Practice (EBP), originated in the medical community in the 1990s. An EBP is the current best practice that has been subjected to strong scientific research and interpreted using a very narrow set of methodological criteria. Since the 1990s, the EBP concept has been adopted in many other fields, including child and family services.

# LOUISIANA'S CHILDREN Juvenile Justice System

Young people in the justice system represent one of Louisiana's most vulnerable populations. Louisiana needs justice reform so that we are preparing at risk young people to be productive and successful adults instead of pushing them out of school and into the criminal justice system.

Youth who enter the juvenile justice system are less likely than their similarly-situated peers to graduate from high school, more likely to remain in poverty, and more likely to end up in the criminal justice system. As children penetrate further into the system, their life outcomes get worse and Louisiana's rate of return on investment falls. At the deepest end of the system, juvenile prison, the state of Louisiana pays up to \$424 a day (\$154,760 per year) to incarcerate children. Nearly half of those children are incarcerated again within three years.



A safer, smarter, stronger, and more cost-effective juvenile justice system starts with investing in programs and practices that are proven to work — including finding age-appropriate ways to hold youth accountable; serving youth in their own homes, rather than in jails or prisons, possible; providing the right supports to vulnerable youth in custody and in the community; and ensuring that every child is treated fairly and with dignity.

#### Youth or Adult?

One of the ways in which Louisiana's juvenile justice system is unusual, and one of the most desperatelyneeded changes, is where we draw the line between children and adults. Prosecuting children as adults increases recidivism by as much as 34%.

**Centers for Disease Control** 



Because they are understood to lack maturity and responsibility, 17 year-olds in Louisiana cannot serve on juries, vote, sign contracts, buy cigarettes or enlist in the military. But Louisiana remains one of only nine states that exclude 17 year-olds from the juvenile justice system for all offenses — even for the most minor, nonviolent misdemeanors. That means all 17 year-olds are sent to adult jails upon arrest; their arrests and convictions are public record; and, if sentenced to incarceration, they are sent to adult prisons.

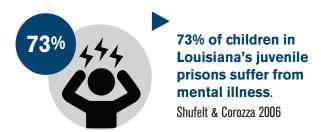
The adult criminal justice system is not equipped to address the needs of young people. Youth held in adult jails and prisons are at an increased risk for suicide, as well as physical and sexual assault. The federal Prison Rape Elimination Act requires complete sight and sound separation from adult inmates, but facilities struggling to meet these standards often place youth in conditions similar to solitary confinement. Even short periods under these conditions can lead to paranoia, anxiety and depression.

Automatically treating all 17 year-olds as adults and saddling them with criminal records defies common sense and disrupts their ability to get an education and enter the workforce. It also hurts public safety. Prosecuting children as adults increases reoffending. One study showed a 34% increase in felony recidivism when children are prosecuted as adults, according to the federal Centers for Disease Control.

A best-practices juvenile justice system should be built for all of our children. Raising the age of juvenile jurisdiction is an essential step, but it is only one of many reforms that are needed to ensure public safety, better outcomes for youth, and wise use of public resources.

#### **Poverty and Race**

Youth with special needs, youth from low-income families, and African-American youth are all over-represented in the juvenile justice system. A 2006 study showed that 73% of children in Louisiana's juvenile prisons suffer from mental illness, and national estimates suggest that 70% of children in juvenile prisons have a learning disability. Eighty percent of children in Louisiana's juvenile prisons are African-American, more than double the share of African-American children in the state.



### Who's In Charge?

Juvenile justice system stakeholders include law enforcement, district attorneys, and public defenders. Five Louisiana districts have special, separate juvenile courts. In the rest, juvenile delinquency and status offender cases are heard by district and municipal court judges. The same number of districts have their own, localized juvenile probation systems. In the rest, juvenile probation services are provided by the state's Office of Juvenile Justice (OJJ), which also operates the state's juvenile prisons – known as "secure custody" facilities – and contracts with a network of nonsecure juvenile justice group homes. Across the state, 13 locally or regionally run, short-term juvenile jails – called "detention centers" – hold children who are awaiting trial or placement in long-term custody.

Like the criminal justice system, the juvenile justice system is characterized by law enforcement and prosecutorial discretion. Police officers can decide whether to arrest children or promote community-based responses. After arrest, district attorneys may choose to handle cases outside the court system through a process of diversion to counseling or services. Research from across the country, bolstered by a new study with data

47.5% of youth released from Louisiana's juvenile justice custody return to custody within three years.

Louisiana Office of Juvenile Justice

from Jefferson Parish, shows that – all other things being equal – children who are diverted away from the system are less likely to recidivate and reenter the system than their peers who are formally prosecuted.

### **Youth and the Court System**

If a child is prosecuted for an alleged delinquent act, he or she will likely be represented by a juvenile public defender, since children who enter the juvenile justice system are overwhelmingly economically underprivileged.

Unfortunately, Louisiana's juvenile public defense system is badly underfunded, and as a result cannot reach many young people. In 2014, 98% of children surveyed in Louisiana prisons said they have never been visited by a lawyer.

A child who is prosecuted may be adjudicated – the juvenile equivalent of "convicted" – and receive a disposition, the juvenile equivalent of a criminal "sentence." The disposition may include informal or unsupervised probation, supervised probation, or commitment to OJJ custody in a nonsecure or secure facility.

Juvenile justice cases basically come in two types. Delinquency prosecutions involve offenses that would be crimes if committed by adults. Status offenses involve behavior – like truancy and running away from home – that is only a violation of the law because of a child's age.

Alleged status offenders and their families are known in the juvenile justice system as "Families in Need of Services" (FINS). Unlike in delinquency cases, youth in status offense cases can be anywhere from birth up to age 18. In principle, FINS cases are supposed to be resolved informally possible, usually through referral to an out-of-court "informal FINS" process, where they can receive service referrals and case management. The FINS system is generally locally-operated but funds and accountability

in the system run through the Louisiana Supreme Court. When cases are not resolved informally, children can be formally prosecuted in the FINS system. The prosecution brings them under the supervision of the court and exposes them to potential removal from their homes. Per federal law, status offenders cannot be held in short-term detention centers unless they are in violation of a court order. In Louisiana, these youth also cannot be held in secure custody facilities, although they can be held in non-secure group homes.

#### **Reform Needs a Data Base**

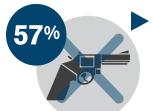
Efforts to reform and even to describe Louisiana's juvenile justice system are hampered by poor statewide data. The total number of juvenile delinquency arrests and prosecutions statewide every year is not known precisely, but data from the public defender system shows that at least 21,000 delinquency and status offender cases were handled in Louisiana's courts in 2014. OJJ reports more than 6,000 youth on probation or in confinement last year, but the probation count does not include youth in the five locally-operated probation departments in some of the state's largest parishes - Caddo, Calcasieu, East Baton Rouge, Jefferson, and Rapides. The Supreme Court reports approximately 6,000 informal FINS referrals last year. Out of the 6,000 youth served by OJJ in 2014, almost 1,000 of them were held in secure care facilities juvenile prisons – at some point during the year.

## **Locked Up Juveniles**

In the early 2000s, Louisiana embarked on juvenile justice reforms that resulted in a significant reduction in the number of youth housed in state facilities and the closure of a dangerous youth prison. But the number of youth confined in our youth prisons on any given day has remained relatively flat since 2005, while juvenile arrests have fallen by about 40%. And approximately 57% of the youth in Louisiana's juvenile prisons today were adjudicated for offenses that did not involve either violence or weapons. Louisiana's continued over-reliance on incarceration in the absence of a public safety risk is problematic because research shows that juvenile prison is most often counterproductive, increasing rather than lowering long-term recidivism rates for jailed children.

In addition to imprisoning too many children, Louisiana also holds them for too long. Youth in juvenile justice custody do not earn "good time" credit for positive

behavior, and there is no juvenile parole board. To prove that they have earned the opportunity to go home on supervised release, youth have to go before the judge who sentenced them. A meaningful chance at earning release — a pathway to return home — is important because it incentivizes youth to work for change. But it is hard to navigate that pathway without a lawyer and kids in Louisiana's prisons don't see their lawyers. So 65% of Louisiana's imprisoned youth serve out their full terms and are released into the community without any supervision.



57% of the youth held in Louisiana's juvenile prisons were adjudicated for offenses that involved neither violence nor weapons.

Office of Juvenile Justice

## Policy Recommendations – Addressing Change in the Juvenile Justice System

- Raise the age of juvenile jurisdiction to 18, joining 41 of our sister states.
- Right-size our juvenile prisons, ensuring we do not imprison youth who do not represent a threat to public safety. Imprisoning nonviolent youth increases recidivism, wastes public resources, and damages their prospects for graduating high school and entering the workforce. We should take steps, including limiting the duration of sentences and implementing researchbased guidelines, to ensure that juvenile sentencing is calibrated to both objectively-determined risk and severity of the underlying offense.
- Develop pathways out of the juvenile justice system by ensuring youth have high-quality legal counsel as a guide through the maze of the justice system.
- Invest in alternatives to incarceration by spending scarce dollars on community-based services that are proven to reduce juvenile incarceration, rather than spending on unneeded beds.
- Narrow the pathways into the justice system through strategies designed to keep youth arrested for minor offenses out of the deep end. Those strategies can range from replacing arrest with civil citation for some low-level offenses to increasing the use of unsupervised probation and informal dispositions.

 Prevent children from being detained in adult facilities, and insist on checks and balances, including judicial oversight, before any child under 18 can be prosecuted as an adult.

# Recommendations – To Improve Support Systems

Children fall into the juvenile justice system when their support systems – from school to mental health care to family – have failed them. We need to bolster supports and services in the community, and we need to ensure that justice system interventions are developmentally-appropriate and calibrated to help children develop in positive ways, including accessing educational and economic opportunity.

Youth in the justice system experience worse outcomes than their similarly-situated peers because the justice system itself arrests healthy development. We should:

- Improve mental health care for children in the juvenile justice system.
- Provide high-quality education that puts children on track to post-secondary education and career success.
- Insist on accountability for conditions of confinement. Louisiana's short-term detention centers and group homes are decentralized and inadequately monitored. In some, unsafe living conditions and ineffective services are a daily reality. We need to enforce quality standards and insist on best practices in programming and supports for out-of-home youth.
- Promote positive behavioral supports in schools.
   Commitment to school is one of the strongest buffers against involvement in the justice system. But, in some Louisiana jurisdictions, a quarter of juvenile arrests start in school. And across the state, exclusionary school discipline expulsions, out-of-school suspensions, and more subtle "push-outs" is far too frequent. We need to incentivize the use of positive supports, regulate the use of exclusionary discipline, and invest in training and resources for schools that want to improve services for vulnerable children.