



# A LEGISLATED STUDY OF RAISING THE AGE OF JUVENILE JURISDICTION IN LOUISIANA

The future of 17-year-olds in the Louisiana Justice System

In response to Louisiana House Concurrent Resolution 73 (2015)

Submitted February 1, 2016 per HRC 73 to the:

Administration of Criminal Justice

Senate Committees on Judiciary A, Judiciary B, and Judiciary C

Speaker of the House of Representatives

President of the Senate

## ACKNOWLEDGEMENTS

The Institute for Public Health and Justice (IPHJ) at the Louisiana State University's Health Science Center (LSUHSC) would like to thank the Louisiana Legislature for their ongoing commitment to developing a blueprint for justice reform. Special thanks is extended to Walter "Walt" Leger, III, Speaker Pro Tempore of the Louisiana House of Representatives, for championing the resolution making this study possible.

Per Act 3 of the 2013 regular session, the LSU IPHJ is designated as an advisor to the legislature on matters related to youth in the criminal justice system. Within the scope of that work, House Concurrent Resolution No. 73 of the 2015 Regular session requested the IPHJ to perform this study.

IPHJ would also like to acknowledge and thank the MacArthur Foundation for funding the work required to conduct and complete this study.

Most importantly, IPHJ would like to acknowledge the many organizations and stakeholders from across the state and country who contributed to this process by sharing information, data, and research about the topics discussed in the report. This document would not have been possible without their support. Although this list is not exhaustive, the IPHJ formally acknowledges the following contributors:

- Baton Rouge Department of Juvenile Services
- Caddo Parish Juvenile Services
- Calcasieu Parish Office of Juvenile Justice Services
- Jefferson Parish Department of Juvenile Services
- Louisiana Center for Children's Rights
- Louisiana Commission on Law Enforcement
- Louisiana Department of Safety and Corrections
- Louisiana District Attorney's Association
- Louisiana District Judges Association
- Louisiana Juvenile Court Judges Association
- Louisiana Office of Juvenile Justice
- Louisiana Public Defender Board
- Louisiana State University Law School – Hector Linares
- Louisiana Supreme Court
- National Center for Juvenile Justice
- New Orleans Youth Study Center
- Rapides Parish Juvenile Services
- Southern Poverty Law Center
- Raise the Age of Juvenile Jurisdiction Study Leadership in Illinois, North Carolina, Connecticut, and Mississippi

## REPORT AUTHORS:

- Stephen Phillippi, PhD
- Gene Siegel, MA
- Peter Scharf, PhD
- Rebecca Atkinson, MPH
- Ellen McCann, PhD
- Patricia Arteaga, MBA

## TABLE OF CONTENTS

Executive Summary	4
Authorization & Purpose	6
Background	7
Age of Juvenile Jurisdiction	7
Nationally	7
Louisiana	7
Louisiana Juvenile Jurisdiction Legal History	8
Study Methodology	9
Study Findings	10
Adolescent Brains, Behavior, & the Law	10
Neurological & Psychosocial Development During Adolescence	10
U.S. Supreme Court Rulings: Adolescence as Mitigating Factor & an Opportunity	12
Public Safety	13
Most 17-Year-Olds Can & Do Stop Offending	13
Youth in Adult Systems Recidivate More	14
Youth May Be Less Deterred by Adult Consequences	15
Exposure to the Adult Criminal Justice System Can Harm Youth	15
Step-by-Step: System Impacts Related to Jurisdictional Change	16
Investigation & Arrest	16
Waiver of Jurisdiction	18
Diversion Programs & Community-Based Services	19
Jails & Detention	19
Prosecution, Defense, & Court Proceedings	22
Supervision & Custody	26
Incarceration	32
Recordkeeping & Expungement	34
Impact Analyses of Placing 17-Year-Olds in Louisiana’s Juvenile Justice System	35
Arrest and Detention Impact	35
Dispositional Impact	37
Stakeholder Input	39
Cost-Benefit Projections	41
Lessons From Other States	44
Connecticut	44
Illinois	44
Massachusetts	45
Mississippi	45
Conclusions & Recommendations	46
APPENDICIES	
Appendix A: Local Probation Data Summaries	A1
Appendix B: Supplemental Louisiana Office of Juvenile Justice Data Summaries	A8

# EXECUTIVE SUMMARY

This study, authorized by the Louisiana State Legislature in House Concurrent Resolution No. 73 of the 2015 Regular session, was completed at an expedited pace over a six-month period to meet the deadlines established in the resolution. With the involvement of key stakeholders in the justice system from across Louisiana and input from national partners who have worked to study raising the age of juvenile jurisdiction in other states, three key findings of this study are summarized below.

- There is a growing consensus, based on a large body of scientific evidence, that 17-year-olds are developmentally different than adults and should be treated as such. They have a far greater potential for rehabilitation and are particularly influenced – for good or ill – by the environments in which they are placed.
- The last several years of reform in the Louisiana juvenile justice system have created a capacity to accept, manage, and rehabilitate these youth in a manner that will predictably generate better outcomes than the adult system.
- The initial impact projections are generally lower than states that have recently gone before Louisiana in raising the age of juvenile jurisdiction, and those states found that the impact on the system was substantially less than first predicted. In fact, states have reported substantial fiscal savings. We have reason to suspect this will be the same for Louisiana.

## PRIMARY RECOMMENDATION

The study therefore concludes that:

***LOUISIANA SHOULD STRONGLY CONSIDER RAISING THE AGE OF JUVENILE COURT JURISDICTION TO INCLUDE 17-YEAR-OLD OFFENDERS. FINDINGS SUGGEST THAT THIS CHANGE WOULD BENEFIT PUBLIC SAFETY, PROMOTE YOUTH REHABILITATION, AND CREATE LONG-TERM SAVINGS.***

Crime by youthful offenders continues to trouble Louisiana communities but at reduced rates according to arrest trends over the last decade. This reduction in juvenile crime, accompanied with several reforms in the justice system, has created a smaller and more resilient juvenile justice system. Appropriately resourced, it should be able to absorb the impact of raising the age of juvenile jurisdiction while increasing public safety.

The following strategies should be considered to ease the transition, promote clarity, and ensure system integrity during an implementation period for the jurisdictional change.

1. A one-year planning period should commence immediately, after passage of any legislation raising the age of juvenile jurisdiction, to assist justice agencies in planning for the processing, managing, and, when necessary, housing of youth under 18 in juvenile facilities, rather than adult jails or lockups, whenever possible.
2. Creation of state and local workgroups to resolve technical and procedural issues including:
  - a. Identifying discipline-specific training needs (e.g. law enforcement, prosecution, defense, courts, detention, and probation).
  - b. Assisting detention centers with providing safe, developmentally appropriate care and supervision of adolescents, including the possibility of raising the minimum age of juvenile detention from 10 to 13 and developing appropriate placement alternatives for children under 13.
  - c. Reviewing aggregate screening and assessment information to analyze system performance and youth outcomes in order to inform local and state juvenile justice planning and resource allocation.

3. Identifying opportunities to connect federal, state, and local funds to support evidence-based, effective programming for older youth in community settings, further developing alternatives to detention, and continuing to develop processes to focus scarce incarceration and re-entry resources on the highest-risk youth.

## SUPPLEMENTAL RECOMMENDATION

To respond to the many changes in research, legal, and regulatory environments, Louisiana should take the opportunity to create its next comprehensive five-year strategic plan for juvenile justice, including the transition of 17-year-olds. This plan should focus on the use of the latest evidence-based practices and the development of a comprehensive data infrastructure to inform policy, practice, and decision making at all stages in the juvenile justice system, including:

- law enforcement contact, arrest and diversion decisions;
- community-based prevention and intervention services;
- detention use and detention alternatives;
- facility-based services;
- commitment and sentencing decisions;
- community-based supervision strategies (e.g. probation and parole);
- aftercare and reentry services and strategies.

Finally, it should be noted that if Louisiana should raise the age of juvenile jurisdiction to include 17-year-olds, under current stakeholder discussions, it will not impact the transfer statutes under which youth may be transferred into adult court. In reviewing the data on youth in jails, although not the focus of this study, it was noted that there are wide variations in the rates at which youth are processed through adult courts and placed in adult jails and facilities. Given the noted effects of sending minors to the adult system, particularly higher recidivism rates, Louisiana should ensure that the use of transfer promotes public safety.



Stephen Phillippi, PhD, Director

# AUTHORIZATION & PURPOSE

Tasked by the passage of House Concurrent Resolution 73 of the 2015 Regular session, the LSU Health New Orleans' Institute for Public Health and Justice was requested, "to study the current state of juvenile justice and criminal justice systems to understand the potential impact of raising the age of juvenile jurisdiction to include seventeen-year olds."<sup>1</sup> This study focuses only on the question of raising the age of juvenile jurisdiction and it does not examine the automatic or discretionary transfer of youth to the adult system for specific acts as outlined in Louisiana criminal code.

Over more than 15 years, Louisiana's justice reform efforts have sought to assure that programs for youth are based upon current research regarding adolescent development. HCR 73, citing rulings by the U.S. Supreme Court that youth are fundamentally different from adults and warrant developmentally responsive treatment, authorized the LSU Health New Orleans Institute for Public Health & Justice to analyze sentencing patterns, needs of this group, and developmentally responsive alternatives for them available in the juvenile justice system. The study also examines the capacity of the juvenile justice system to manage these youth.

The study is supported by the John D. and Catherine T. MacArthur Foundation through funding directed to the LSU Health New Orleans School of Public Health and the Baton Rouge Area Foundation. Planning, in collaboration with a number of leading justice focused organizations in the state, began immediately after the passage of HCR 73 in June of 2015. The majority of those organizations are identified in the resolution. National organizations, such as the National Center for Juvenile Justice, and consultation with states that have recently raised the age of jurisdiction (Illinois, Connecticut, Massachusetts, and Mississippi) were also engaged in the production of this study. The report and recommendations are submitted to the House Committee on the Administration of Criminal Justice, the Senate Committees on Judiciary A, Judiciary B and Judiciary C, the Speaker of the House of Representatives and the President of the Senate by February 1, 2016.

---

<sup>1</sup> House Concurrent Resolution No. 73 — 2015 Regular Session of the Louisiana Legislature.

# BACKGROUND

## AGE OF JUVENILE JURISDICTION

### Nationally

At the national level, adolescents are more consistently being viewed by justice scholars, policy makers, and practitioners as a distinct population, with unique and particular needs. Recent research has concluded that **adolescents, including seventeen-year-olds, are in the midst of significant neurological and psychosocial developments quite different from adults.**<sup>2 3 4</sup> In the legal realm, three U.S. Supreme Court decisions since 2005 recognize the behavior, reasoning, and judgment of adolescents as fundamentally different from adults and warranting developmentally responsive treatment.<sup>5</sup> Furthermore, research has shown that **youth sent through the adult criminal justice system are more likely to recidivate** compared to similar youth who remain in the juvenile justice system.<sup>6</sup>

Forty-one of the 50 states recognize the age of juvenile justice jurisdiction through age 17. At least four of the remaining nine states are actively seeking to raise their age of juvenile jurisdiction to include 17-year-olds. Each state that has sought to address the issue of raising the age of juvenile jurisdiction has attempted to project the impact prior to implementation, and, to date, most have been shown to have over-projected increases in youth entering the system. In fact, **three states<sup>7</sup> (Connecticut, Illinois, and Massachusetts) that recently raised their age of juvenile justice jurisdiction to include 17-year-olds, experienced smaller increases than expected, and have reported varying declines in areas such as juvenile arrests, court hearings, technical probation violations, and secure-juvenile correctional placements.**

### Louisiana

**The state of Louisiana has not reviewed the age of juvenile jurisdiction legislatively in over 100 years** – despite adolescent brain development research, legal precedents, and public safety findings suggesting this review is overdue. **Louisiana’s successful juvenile justice reforms, and an overall decline in juvenile crime reflective of national trends, have opened up system capacity for raising the age that may not have previously existed.** These reforms have contributed to reduced arrests/referrals, improved community programming, smaller dockets in several jurisdictions, downsized detention utilization, smaller probation caseloads, and reduced reliance on secure and residential care.

2 National Conference of State Legislatures (2012). Adolescent Development & Competency. Juvenile Justice Guide Book for Legislators. Retrieved from <http://www.ncsl.org/documents/cj/jjguidebook-adolescent.pdf>.

3 Steinberg, Cauffman & Monahan (2015). Psychosocial Maturity and Desistance from Crime in a Sample of Serious Juvenile Offenders. OJJDP Juvenile Justice Bulletin. [www.ojjdp.gov/pubs/248391.pdf](http://www.ojjdp.gov/pubs/248391.pdf).

4 Steinberg (2008). Adolescent Development and Juvenile Justice. Annual Review of Clinical Psychology, 16(3). Retrieved from <http://fairsentencingofyouth.org/wp-content/uploads/2010/02/Adolescent-development-and-juvenile-justice.pdf>.

5 Roper v. Simmons (2005); Graham v. Florida (2010); Miller v. Alabama (2012). U.S. Supreme Court.

6 U.S. Department of Health and Human Services — Centers for Disease Control (2007). Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services, Morbidity and Mortality Weekly Report. 1, 6. Available at <http://www.cdc.gov/mmwr/PDF/rr/rr5609.pdf>.

7 New Hampshire raised the age of juvenile jurisdiction to include 17-year-olds in 2015; however, it is too soon to gauge impacts so it is not included.

It could be argued from the many disciplines active in Louisiana’s juvenile justice system, including judges, prosecution, defense, enforcement, case management, and other areas of care, that the system is more established to be developmentally responsive to the needs of adolescents than it has been in several decades. Based on preliminary review of Louisiana Office of Juvenile Justice (OJJ) and Department of Public Safety and Corrections data, it appears, consistent with national findings, that **better outcomes are achieved for youth, including 17-year-olds, by managing them in the juvenile system rather than the adult criminal justice system.**

## LOUISIANA JUVENILE JURISDICTION LEGAL HISTORY

Louisiana’s juvenile court system dates back to the beginning of the 20th century, when many states were creating juvenile courts. In 1906, the General Assembly passed Senate Bill No. 51, creating Act No. 82 which amended the Louisiana Constitution of 1898. This led to the establishment of a juvenile court system for offenders under 16 years of age. In 1908, the General Assembly revised the juvenile court act with Senate Bill No. 49, passed into law as Act No. 83. Act No. 83 set the juvenile court jurisdiction for minors at 17 years of age. **While information about the motivation for the creation of juvenile jurisdiction is available through case law, no information about why the jurisdictional ceiling was set at 16 and then 17 seems to be documented** – or at least been preserved.

The juvenile court act revised the application of criminal law to minors based on the social premise

*THAT THE ORDINARY PROCESS OF THE CRIMINAL LAW DOES NOT PROVIDE SUCH TREATMENT AND CARE AND MORAL ENCOURAGEMENT AS ARE ESSENTIAL TO ALL CHILDREN IN THE FORMATIVE PERIOD OF LIFE, BUT ENDANGERS THEIR WHOLE FUTURE; THAT THE REAL INTEREST OF CHILDREN REQUIRES THAT THEY BE NOT INCARCERATED IN PENITENTIARIES AND JAILS, AS MEMBERS OF THE CRIMINAL CLASS, BUT BE SUBJECTED TO A WISE CARE, TREATMENT, AND CONTROL, THAT THEIR EVIL TENDENCIES MAY BE CHECKED AND THEIR BETTER INSTINCTS MAY BE STRENGTHENED. . . (Parker v. Taylor, 43 So. 54, 54 [1907]).*

While the motivation behind the law is well recorded, the rationale behind the age distinction for the criminal majority of a juvenile remains unclear. There is scant legislative history for either Act No. 82 of 1906 or Act No. 83 of 1908. Act No. 82 passed through both the Senate and the House of Representatives without amendment. The calendars of both the House and the Senate provide only the procedural movement of the bill through the legislature and the text of the Act. There is slightly more information on Act No. 83 of 1908 which passed through the Senate only after a series of minor amendments. The amendments are recorded in the Calendar of the Senate. From the information available in the Senate Calendar, the amendments did not change the substance of the Act.

Like the legislative history, jurisprudence regarding the juvenile court act is similarly sparse. The Louisiana legislative archivists do not maintain records from this time period. The available cases discussing the implementation of the juvenile courts are relatively short in substance; opinions usually do not exceed two pages in length. Consequently, case law provides only a limited glimpse into the implementation of the juvenile court system in Louisiana.

Some case law does discuss the age of majority, but does not explain it. Stemming from the motivations behind establishing the juvenile court system – concern for the good of the child and the best interest of the state in preserving orderly society – Act No. 83 gave broad judicial discretion to juvenile judges on determining the most appropriate sentencing scheme for delinquent minors. Per *State v. Prater*, 51 So. 647, 648 (1910) “The fundamental idea of the statute is the reformation, not the punishment, of the child; and in the carrying out of that idea the broadest discretion is allowed the judge.” Yet, while judges had wide discretion in sentencing, the Louisiana Supreme Court narrowly interpreted the jurisdiction of the juvenile court. In *State v. Lanassa*, 51 So. 688, 688 (1910), the Louisiana Supreme Court overturned a series of decisions from a juvenile judge for the Parish of Orleans who “ruled that his court had jurisdiction of minors over the age of 17 and up to the age of 18 years.” The Supreme Court found the rulings to be “clearly erroneous” as “[t]he statute, in effect, defines the period [sic] of childhood as beginning with the day of birth and terminating on the day the minor reaches the age of 17 years.” *Id.*, at 688-689. The opinion goes on to relate the division of minority back to Roman law, “under which infancy extended to the age of 7 years, childhood from 7 to 14, puberty from 14 to 18, and full puberty from 18 to 25.” *Id.*, at 689. The opinion also references the Bouvier Law Dictionary definition of age. It is important to note that neither the Roman law nor the definition provided in Bouvier reference the age of 17. It remains unclear how the legislature determined 17 to be the appropriate age for criminal majority.

# STUDY METHODOLOGY

The Institute for Public Health and Justice (IPHJ) in consultation with state and national partners, as well as examining methods used in other states,<sup>8</sup> identified a mixed methods approach to this study that included both quantitative and qualitative approaches. This mixed methods approach incorporated the following four key activities:

- 1. Legal Analysis:** Study partners, namely the Louisiana State University Law School faculty, Louisiana Center for Children's Rights, and Southern Poverty Law collected information and analyzed Louisiana law, United States Supreme Court jurisprudence on juvenile issues, and the policies of other states. This analysis included history of the juvenile court system establishment, creation of the Juvenile Court Act, a discussion on the age of majority (see above), and a comparison of current justice system responses to 16-year-olds vs. 17-year-olds (to follow).
- 2. Examination of Best Practice Research:** The IPHJ collected and summarized current research on adolescent development and documented "best practices" described to produce more favorable outcomes for youth who become in conflict with the law. This analysis focused on the current body of literature describing the developmental characteristics of youth, interventions shown to be effective in reducing offending, and the known public safety impact of 17-year-olds being processed in the adult vs. juvenile systems.
- 3. Stakeholder Input:** The IPHJ conducted outreach and surveys of several key justice stakeholders throughout the state. These discussions and surveys provided feedback and perspectives from law enforcement, judges, district attorneys, public defenders, probation officers, correctional officials, and juvenile justice system administrators. Anonymous surveys and interviews explored the impact of raising the age of juvenile jurisdiction to include 17-year-olds.
- 4. Data Collection and Analysis:** The IPHJ and several of the partnering agencies identified in HCR 73 requested, acquired, produced, and analyzed a significant body of available data to examine the potential impact of raising the age of juvenile jurisdiction, the capacity of the juvenile system to handle such a change, and projections of costs and benefits. Data were collected from several key system points including arrest, detention, jail, court, adult and juvenile probation, secure juvenile facilities, and adult prisons.

---

<sup>8</sup> Methods and reporting for the Louisiana study most closely replicates the Illinois legislated study although the timeframe for completing the study in Louisiana was at least half of that in other states.

# STUDY FINDINGS

## ADOLESCENT BRAINS, BEHAVIOR, & THE LAW

### Neurological & Psychosocial Development During Adolescence

An emerging body of research over the last decade has drastically expanded our understanding of adolescent brain development. Specifically, **it is clear that the brains of 17-year-olds are still developing, causing 17-year-olds to engage in more risky and impulsive behavior, and this behavior is exacerbated when in the presence of peers.**<sup>9</sup> This explains, but does not excuse, why even a straight-A student, active in their community and school, can be prone to a reckless night of riding around in a car with a friend who has been drinking. Even the smartest and most responsible of youth can be clueless at the same time. They are facing an unprecedented period that combines development, opportunities for risk, and a still developing judgment process. In the simplest of terms, the brain of a 17-year-old is not fully wired and is still entrenched in the progression of remodeling itself and maturing toward adulthood.

Modern brain scanning technology has enabled scientists to understand how the brain changes over time. This science, coupled with psychological research, has substantiated that the neurodevelopment and psychosocial growth of adolescents extends well into the early twenties. Some experts believe that this process may not be complete until approximately age 25. Adolescence, as a life phase between childhood and adulthood, serves as a period of cognitive and psychosocial development, identity formation, and increased autonomy.<sup>10</sup> These observations about neurological development have lasting implications in defining responsibility and mens rea (i.e. intent) for 17-year-olds. Youth make decisions differently and engage in risky behavior (including criminal conduct) for different reasons than adults do. Fortunately, youth are also capable of significant positive growth and change, including often simply “growing out of it.”

While brain development has been thought to occur in a chronological fashion, research now demonstrates that this process is actually dynamic and is dependent upon how quickly connections are established between neurons. This process occurs at two developmental peaks – the first during infancy and the second during adolescence. Research has identified a key feature of adolescent brain development as synaptic pruning – the over-production and critical selection of synaptic connections that will be preserved and maintained. It follows the “use it or lose it” principle and is governed by the experiences youth are exposed to – healthy and unhealthy. Adolescence is truly an age of opportunity to change the course of a young person’s brain development. This pruning assists in shifting to more developed thought processes.<sup>11</sup> Research has shown that neurodevelopment during adolescence includes changes in the rate that information is processed and how efficiently it is processed, indicating that as children grow into later adolescence, their neural connectivity gradually becomes more adult-like.<sup>12</sup>

9 Steinberg, Cauffman & Monahan (2015) see note 3. Steinberg (2008) see note 4.

10 National Research Council (NRC) (2013). *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, & Julia A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

11 Spear, L.P. (2013). Adolescent Neurodevelopment. *The Journal of Adolescent Health: Official Publication of the Society for Adolescent Medicine*, 52(2 Suppl 2), S7-13.

12 Fair, D. A., Cohen, A. L., Dosenbach, N. U. F., Church, J. A., Miezin, F. M., Barch, D. A., et al. (2008). The Maturing Architecture of the Brain’s Default Network. *Proceedings of the National Academy of Sciences of the United States of America*, 105(10), 4028.

Two areas of the brain that undergo significant changes during adolescence are the prefrontal cortex and the limbic system. In the prefrontal cortex, the frontal lobes of 17-year-olds are less developed than adults.<sup>13</sup> The frontal lobes, the so called “executive center” of the brain, are where decisions, risk assessment, impulse control, moral judgment, consideration of future consequences, and evaluation of reward and punishment are processed.<sup>14</sup> Because the frontal lobes are less developed, 17-year-olds rely more heavily on the instinct-driven limbic system, and specifically the amygdala, to make decisions as compared to adults.<sup>15</sup> The amygdala plays a vital role in emotions and is particularly associated with strong negative emotions,<sup>16</sup> including impulsive and aggressive behavior,<sup>17</sup> and the “fight or flight” response.<sup>18</sup> What this means is that the adolescent typically struggles to reason through dangerous scenarios, while adults tend to identify and react to a similarly dangerous scenario or bad idea with considerably less effort.<sup>19</sup> This propensity for risk-taking may influence adolescents in a variety of ways. Because their brains are still growing and developing, this population is prone to behavioral experimentation. This pattern, in even the most normally developing teens, may sometimes lead to their participation in socially-disruptive, self-harming, and unlawful behaviors and activities.<sup>20</sup> **Specifically, current behavioral research indicates that, compared to adults, most 17-year-olds are less capable of impulse control; more prone to risky behavior; less able to regulate their emotions; different in their approach to moral reasoning; less able to consider the long-term consequences of their actions; and more susceptible to peer pressure.**<sup>21 22 23 24 25</sup>

This is not to say that adolescents are not intelligent or incapable of making many responsible decisions. Studies emphasize that they are particularly capable of exercising intelligent, responsible decision-making when using “cold cognition” (i.e. when confronted with low emotional stimuli), but applying reasoned thought in novel, emotional-stimulated decisions made in the moment (i.e. situations requiring “hot cognition” skills) are far more difficult for adolescents.<sup>26</sup> The problems adolescents face when responding to problems using “hot cognition” are further complicated by other changes, including hormonal changes associated with developing sexual maturity.<sup>27</sup> In these situations, adolescents are more likely to act on an impulse, less likely to slow down to consider the consequences, and less likely to change their minds.<sup>28</sup> **In other words, because the brains of 17-year-olds are still developing, they are predisposed to making more impulsive, aggressive, and shortsighted decisions as compared to adults, and they are physically unable to consistently make the same type of reasoned and responsible decisions as adults.**

- 
- 13 Sowell, E.R. et al. (1999). In Vivo Evidence for Post-Adolescent Brain Maturation in Frontal and Striatal Regions. *Nature Neuroscience*, 10 (finding that the frontal lobe does not mature until the early 20s and undergoes far more change during adolescence than any other stage of life).
- 14 Brief of Amici Curiae, American Medical Association et al. at 12, *Roper v. Simmons*, 543 U.S. 551 (2005) (No. 03-633).
- 15 Talukder, G. (2000). Decision-Making is Still a Work in Progress for Teenagers, *Brain Connection*. Retrieved from <http://brainconnection.positscience.com/topics/?main=news-in-rev/teen-frontal>.
- 16 Goldberg, E. (2001). *The Executive Brain: Frontal Lobes & the Civilized Mind*.
- 17 See American Medical Association, *Supra* note 14.
- 18 See Goldberg, *Supra* note 16.
- 19 Baird, A.A. Fugelsang, J.A., Bennett, C.M. (2012) *What Were You Thinking?* Vassar College. Retrieved from <http://faculty.vassar.edu/abbaird/research/projects/goodidea.php>.
- 20 World Health Organization (WHO) (2014). *Adolescence: A Period Needing Special Attention*. Retrieved from <http://apps.who.int/adolescent/second-decade/section2>.
- 21 Spear (2000). The Adolescent Brain and Age-Related Behavioral Manifestations. *Neuroscience & Biobehav.* 417, 420-429.
- 22 MacArthur Foundation Research Network on Adolescent Development & Juvenile Justice, Issue Brief 3: *Less Guilty By Reason of Adolescence*. Retrieved from [http://www.adjj.org/downloads/6093issue\\_brief\\_3.pdf](http://www.adjj.org/downloads/6093issue_brief_3.pdf).
- 23 Cauffman, E. & Steinberg, L. (2000). (Im)Maturity of Judgment in Adolescence: Why Adolescents May Be Less Culpable Than Adults. *Behav. Sci. & Law.* 18, 741-742.
- 24 Scott, E.S. et al. (1995). Evaluating Adolescent Decision Making in Legal Contexts, *Law & Hum. Behav.* 19, 221-231.
- 25 Gardner, M. & Steinberg, L. (2005). Peer Influence on Risk Taking, Risk Preference and Risky Decision-Making in Adolescence and Adulthood: An Experimental Study. *Developmental Psychol.* 41, 625-632.
- 26 National Juvenile Justice Network (2012). *Using Adolescent Brain Research to Inform Policy: A Guide for Juvenile Justice Advocates*.
- 27 See National Juvenile Justice Network, *Supra* note 26.
- 28 Chein, J. et. al. (2010). Peers Increase Adolescent Risk Taking by Enhancing Activity in the Brain’s Reward Circuitry, *Dev. Science*, 1.

Although basic intellectual abilities reach adult levels around age 16 (meaning they might score as well as adults on standardized measures of intelligence), adolescents are far from being psychosocially mature. **It is important to not confuse intellectual ability and psychosocial maturity as this is directly relevant to holding youth accountable for their behavior and attempting to prevent future problematic behaviors, including through the court system.** Punishing accordingly and concentrating more on the opportunity the changing adolescent brain offers, should focus more on ways to help youth, including 17-year-olds, practice and develop impulse control while also learning strategies for resisting peers while under the supervision of caring adults.

## U.S. Supreme Court Rulings: Adolescence as a Mitigating Factor & an Opportunity

Beginning in the 1960s the U.S. Supreme Court began to consider adolescent development as a deciding factor in assessing youth culpability. In 1966, the Supreme Court in *Kent v. U. S.* affirmed standards for determining juvenile maturity and sophistication. In 1967 through the *In re Gault* case, the Supreme Court established due process provisions for individuals within the juvenile system. Most recently, **the Supreme Court has specifically recognized the emerging adolescent development research and ruled that youth, including 17-year-olds, are fundamentally different from adults and must be treated differently under the law.** Citing that adolescence is a mitigating factor in culpability, the Supreme Court abolished the juvenile death penalty for crimes committed when the defendant was younger than 18 (*Roper v. Simmons*, 2005); prohibited life sentences for juveniles convicted of non-homicide offenses (*Graham v. Florida*, 2010); and prohibited automatic life sentences without the possibility of parole, for juveniles convicted of any crime (*Miller v. Alabama*, 2012). With a developmentally informed view based on research, the Supreme Court noted that **because adolescents are still developing, including 17-year-olds, they “are more capable of change than are adults, and their actions are less likely to be evidence of ‘irretrievably depraved character’ than are the actions of adults.”**<sup>29</sup> As supported in the *Graham* decision, youth are capable of remarkable positive change and growth and can benefit greatly from rehabilitative services and support, and according to the Supreme Court, youth, including 17-year-olds, should be given the opportunity and resources to rehabilitate.<sup>30</sup> Further emphasizing this point, the court decisions since 2005 have consistently ruled that a criminal offense does not turn youths into adults.

29 *Graham v. Florida*, 130 S. Ct. 2011, 2025-26 (2010) (citing “developments in psychology and brain science” showing “fundamental differences between juvenile and adult minds” and concluding that offenses committed by youth younger than 18 are “not as morally reprehensible as that of an adult”).

30 *Graham*, 130 S. Ct. at 2030 (“[T]he State must...give defendants...some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation”).

## PUBLIC SAFETY

A growing body of research supports keeping 17-year-olds in the juvenile justice system. This research confirms that such practice enhances long-term community safety and is more likely to ensure the well-being of youth while in the justice system. It should be noted that, consistent with research, this is a long-term view of public safety. Research on the “desistance” of crime shows similar patterns for younger adolescents and 17-year-olds and suggests that similar intervention approaches (i.e. all adolescents being served by the juvenile justice system) can yield similar results.<sup>31</sup> In contrast, **outcomes associated with youth processed through adult courts indicate higher recidivism rates than similar youth handled by juvenile court processes.**<sup>32 33</sup> In other words, processing youth in the adult system can increase risks to public safety and may fail to deter crime in the long-term. Research shows an approximately 34% lower rate of recidivism for youth being processed through the juvenile justice system.<sup>34</sup> Beyond recidivism, there is a significant body of research that shows youth are safer in juvenile facilities in comparison to adult facilities.<sup>35</sup>

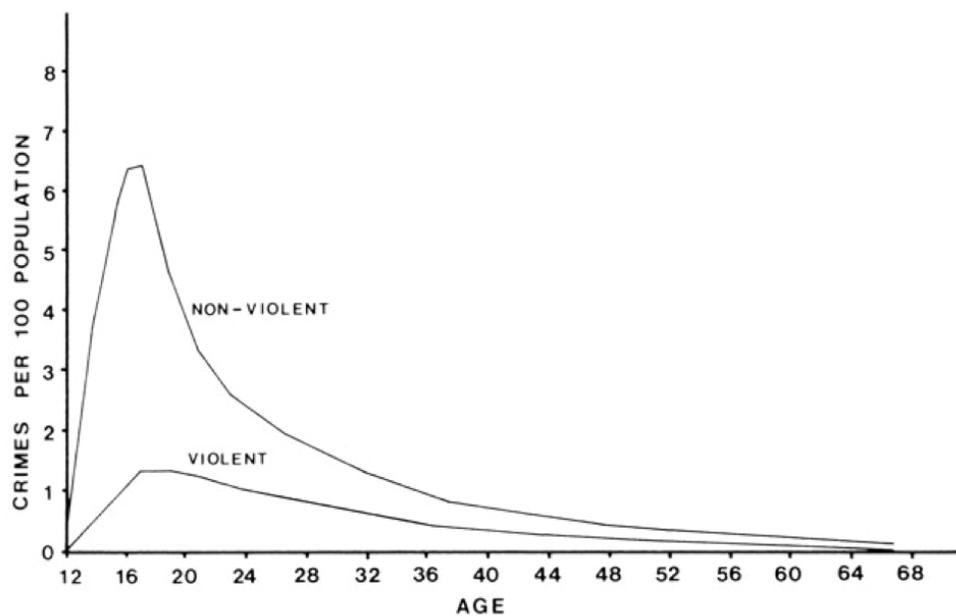
### Most 17-Year-Olds Can & Do Stop Offending

Justice policymakers often rely on two false assumptions. The first false assumption is that justice system interventions are certain to benefit, or at least not harm, low-risk offenders. The second false assumption is that the vast majority of offenders at the more serious end of the justice system are uniformly treading down the path of continued, high-rate offending. The research on serious adolescent offenders shows otherwise.<sup>36 37 38 39</sup>

The findings of the Pathways to Desistance study, which followed over 1,300 serious juvenile offenders for seven years post-conviction, show the link between psychosocial maturity and desistance from crime as youth transition from 14 to 25 years of age. The study found that, **“the vast majority (over 91%) of juvenile offenders, even those who commit serious crimes, grow out of antisocial activity as they transition to adulthood. (And) Most juvenile offending is, in fact, limited to adolescence”** (see **Figure 1**).<sup>40</sup> According to this research, the process of maturing out of much of adolescent criminal behavior (specifically felony-convicted offenses), including that of 17-year-olds, is associated directly with the process of psychosocial maturity. Controlling one’s impulses, considering the implications of one’s actions on others, delaying gratification for longer term goals, and resisting peer influences are all part of this maturation process that is not fully achieved by 17 years of age. According to the researchers, “the most important conclusion of the study is that even adolescents who have committed serious offenses are not necessarily on track for adult criminal careers.”<sup>41</sup> In other words, **most 17-year-old felons are equally appropriate candidates for rehabilitation through the juvenile justice system as their younger, equally serious offending peers, as both are likely to desist in their patterns of future criminal behavior.**

- 
- 31 Mulvey, E.P. (2011). Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders. U.S. Dept of Justice. Available at <https://ncjrs.gov/pdffiles1/ojdp/230971.pdf>.
- 32 See U.S. Dep’t of Health and Human Services (2007), *Supra* note 6.
- 33 Butts, J.A. (2012). Transfer of Juveniles to Criminal Court is Not Correlated with Falling Youth Violence. John Jay College of Criminal Justice. Available at [http://johnjayresearch.org/wp-content/uploads/2012/03/databit2012\\_05.pdf](http://johnjayresearch.org/wp-content/uploads/2012/03/databit2012_05.pdf).
- 34 See U.S. Dep’t of Health and Human Services (2007), *Supra* note 6.
- 35 Redding, R.E. (2010). Juvenile Transfer Laws: An Effective Deterrent to Delinquency? U.S. Office of Juvenile Justice and Delinquency Prevention. Available at <https://www.ncjrs.gov/pdffiles1/ojdp/220595.pdf>.
- 36 Mulvey, E.P. et. al. (2010). Trajectories of Desistance and Continuity in Antisocial Behavior Following Court Adjudication Among Serious Adolescent Offenders. *Development and Psychopathology*, 22,453-470. However, high-risk juvenile offenders gain a great deal more from services compared to low-risk juvenile offenders. See generally; Karen Hennigan, et al., Final Report, Five Year Outcomes in a Randomized Trial of a Community-Based Multi-Agency Intensive Supervision Juvenile Probation Program, U.S. Dep’t of Justice, Grant No. 2007-JF-FX-0066 (Dec. 2010). 22
- 37 Borum, R. (2003). Managing At-Risk Juvenile Offenders in the Community: Putting Evidence-Based Principles Into Practice, *J. Contemp. Crim. Just.* 19, 114.
- 38 Probation and Parole FAQs, Am. Prob. & Parole Assoc., According to the Executive Director of the American Probation and Parole Association, “low risk offenders are more likely to recidivate with too much correctional intervention than no intervention.” Carl Wicklund. See [http://www.appanet.org/eweb/DynamicPage.aspx?WebCode=VB\\_FAQ#9](http://www.appanet.org/eweb/DynamicPage.aspx?WebCode=VB_FAQ#9).
- 39 Lowencamp, C.T. & Latessa, E.J. (2004). Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low Risk Offenders. Nat’l Inst. of Corr. Available at [www.yourhonor.com/dwi/sentencing/RiskPrinciple.pdf](http://www.yourhonor.com/dwi/sentencing/RiskPrinciple.pdf).
- 40 Steinberg, Cauffman & Monahan (2015). Psychosocial Maturity and Desistance from Crime in a Sample of Serious Juvenile Offenders. *OJJDP Juvenile Justice Bulletin*. U.S. Department of Justice. Washington, DC.
- 41 See Mulvey, E.P. (2011). *Supra* note 31.

**Figure 1: Pathways to Desistance Study Shows Most Adolescents, Including 17-year-olds, Desist Criminal Activity as they Psychosocially Mature**



## Youth in Adult Systems Recidivate More

Due to the existence of states that allow youth to be processed in the adult criminal justice system, researchers have the opportunity to match and compare outcomes of youth with similar characteristics who have committed similar crimes but experience two different system interventions – adult versus juvenile. Studies show that recidivism rates for youth processed through the adult system are far higher than those of comparable youths processed in the juvenile justice system. Through a comprehensive review of published studies and government-conducted examinations of policies allowing youth to be handled by the adult criminal justice system, the Centers for Disease Control Task Force found that **youth were 34% more likely to be rearrested after going through the adult system.**<sup>42</sup>

Similarly, the U.S. Department of Justice, OJJ and Delinquency Prevention, reviewed the results from six large studies on the impact of youth in adult court (including 17-year-olds). These studies matched youth who were sent through the adult system with those who remained in the juvenile justice system. The studies matched youth according to geography, gender, age, race, gang involvement, number of previous juvenile arrests, most serious prior offense, current offense, victim injury, property damage, use of weapons, and more. **Every study of these comparable youth found higher recidivism rates for youth processed through the adult system, even when youth were given probation instead of incarceration.**<sup>43</sup> These studies identified a number of significant factors influencing higher youth recidivism rates in the adult system including: socializing with adult criminals; the stigma associated with adult felony convictions; trauma from incarceration; lack of rehabilitation focus in adult facilities; loss of employment opportunities post-incarceration; decrease in lifelong earning potential; and lack of emphasis on family support in the adult system.<sup>44</sup>

<sup>42</sup> See U.S. Department of Health and Human Services (2007). *Supra* note 6.

<sup>43</sup> See Redding, R.E. (2010). *Supra* note 35.

<sup>44</sup> See Redding, R.E. (2010). *Supra* note 35.

## Youth May Be Less Deterred by Adult Consequences

In a study by the John Jay College of Criminal Justice comparing youth in states where 17-year-olds are subject to juvenile court jurisdiction to states where 17-year-olds are handled in adult court, researchers found that available evidence indicates that adult processing policies do more harm than good and are, “counterproductive to reducing juvenile violence and enhancing public safety.”<sup>45</sup> In other words, **the threat of being handled by the adult system as a deterrent for youthful offenders appears unsubstantiated.** The reasons for this discrepancy include considerations tied to immaturity, adolescent culpability, and the efficacy of deterrence.<sup>46</sup> As discussed in the earlier section on adolescent development and the rulings of the Supreme Court, youthful offenders, including 17-year-olds, are fundamentally different developmentally than adults. It then stands to reason that adult processes and consequences are not designed to be responsive to a 17-year-old’s rehabilitation needs. The threat of processing youth in the adult system seems to fail as a deterrent for 17-year-olds. In light of adolescent brain development, this makes logical sense as these youth have developmentally immature impulse control capacities, poor decision-making abilities, and an increased, often negative, impact from peer influence.

## Exposure to the Adult Criminal Justice Systems Can Harm Youth

Investigations consistently show that **youth processed through juvenile courts and placed in juvenile facilities are safer and more likely to experience better outcomes than those sent to adult facilities.**<sup>47 48 49</sup> Whether housed with the adult population or kept separate while still in adult facilities, juveniles are exposed to far more dangerous environments in these facilities as compared to juvenile facilities. According to the National Institute of Corrections of the U.S. Department of Justice, “jail administrators can face a difficult choice on this issue: They can house youth in the general population where they are at a differential risk of physical and sexual abuse, or, house youth in a segregated setting where isolation can cause or exacerbate mental health problems.”<sup>50</sup> Furthermore, whether isolated from adults or not, youth will face challenges in these facilities simply because they are not designed, intended, or equipped, to manage youth.<sup>51</sup> To this point, even at a minimal standard of management, staff in most adult facilities often do not have the necessary training or skills essential for working with juvenile offenders.<sup>52</sup>

The U.S. Department of Justice’s Bureau of Justice Statistics reports that **prison inmates under the age of 18 are eight times more likely than the adult prison inmate to experience sexual abuse from other inmates while in prison.**<sup>53 54</sup> Investigations also indicate that youth are “twice as likely to be beaten by staff and fifty percent more likely to be attacked with a weapon than minors in juvenile facilities.”<sup>55</sup> Isolation of youth in adult facilities also appears to fail to offer greater safety as mental health problems are exacerbated. As a number of studies report, **“75 percent of all deaths of youth under 18 in adult jails were due to suicide.”**<sup>56</sup>

45 See Butts, J.A. (2012). *Supra* note 33.

46 Ward, J.M. (2003). Deterrence’s Difficulty Magnified: The Importance of Adolescent Development in Assessing Deterrence Value of Transferring Juveniles to Adult Court *U.C. Davis J. Juv. L. & Pol’y*, 7, 253-267.

47 U.S. Department of Justice, National Institute of Corrections (2011). *You’re an Adult Now: Youth in Adult Criminal Justice Systems*. 9, 15. (This disparity in safety

between youth and adult facilities pertains to both jails and prisons).

48 Campaign for Youth Justice (2007). *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America*.

49 Human Rights Watch (2012). *Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across America*.

50 See U.S. Department of Justice, National Institute of Corrections (2011). *Supra* note 47.

51 See U.S. Department of Justice, National Institute of Corrections (2011). *Supra* note 47.

52 National Conference of State Legislatures [NCSL], (2012). *Adolescent Development & Competency. Juvenile Justice Guidebook for Legislators*. Retrieved from <http://www.ncsl.org/documents/cj/jjguidebook-adolescent.pdf>.

53 National Standards to Prevent, Detect, and Respond to Prison Rape, 77 Fed. Reg. 37,106 (June 20, 2012) (to be codified at 28 C.F.R. pt. 115). Likewise, the Bureau of Justice Statistics found that youth under 18 in adult prisons have the highest sexual victimization rate of any prisoner demographic. U.S. Department of Justice, Bureau of Justice Statistics, *Sexual Victimization Reported by Former State Prisoners 16 tbl.8* (2008).

54 Bureau of Justice Statistics. (2015). *Prison Rape Elimination Act*. [Data file]. Retrieved from [http://www.bjs.gov/index.cfm?ty=tp&tid=20#data\\_collections](http://www.bjs.gov/index.cfm?ty=tp&tid=20#data_collections)

55 See Human Rights Watch (2012). *Supra* note 49.

56 See U.S. Department of Justice, National Institute of Corrections (2011). *Supra* note 47.

# STEP-BY-STEP: SYSTEM IMPACTS RELATED TO JURISDICTIONAL CHANGE

## Investigation & Arrest

Delinquency Charge in Juvenile Court (16 and Under)	Adult Charge in Criminal Court (17)
According to the Louisiana Children's Code	According to the La. Revised Statutes and Code of Criminal Procedure
Special procedures for taking a child into custody with or without a court order (Ch.C. 812 – 814); Special procedures for determining if statement given during the course of a juvenile interrogation is made subject to a knowing and voluntary waiver of rights (Ch.C. 881.1)	Adult investigation, interrogation, arrest procedures
Parents/guardians must be notified of arrest (Ch.C. 813(C) & 814(C))	Parents/guardians are not notified of arrest

### Arrest Data

Nationally, overall juvenile arrests (also known as referrals) have been declining for a number of years. This includes arrests for violent crimes. More specifically, following five years of decline, the juvenile “Violent Crime Index” arrest rate reached a new historic low-point in 2012. This should not be taken to mean that there are not areas of the country or areas in Louisiana where violent acts committed by juveniles are not a serious concern. But, the **national data do reflect the overall downturn in juvenile arrests – including violent juvenile crime arrests.**<sup>57</sup> This overall decrease has occurred in an environment where the vast majority of states already include 17-year-olds in their juvenile justice systems.

Arrest data in Louisiana have been historically difficult to summarize on a statewide basis. These data are particularly inconsistent statewide on 16- and 17-year-olds as not every law enforcement agency in Louisiana reports arrest information at a high enough threshold to provide data comparable to most other states. Adjusting for the inconsistent reporting, this study used arrest data on 16- and 17-year-olds from the U.S. Bureau of Justice Statistics, the National Center for Juvenile Justice (NCJJ), and the U.S. Department of Justice, OJJ and Delinquency Prevention (OJJD). These rates do reflect data reported by a proportion of Louisiana law enforcement agencies, though there are some limitations.<sup>58</sup>

**Arrest rates for 17-year-olds, under adult-based approaches and criminal justice laws in Louisiana, were mostly for non-violent offenses.**<sup>59</sup> This is similar to arrest trends of 16-year-olds (see [Figure 2](#)).<sup>60</sup>

57 OJJD Statistical Briefing Book. Online. Available at [http://www.ojjdp.gov/ojstatbb/crime/IAR\\_Display.asp?ID=qa05201](http://www.ojjdp.gov/ojstatbb/crime/IAR_Display.asp?ID=qa05201).

58 Not all law enforcement agencies in Louisiana consistently reported arrest data or disaggregated data by younger age groups (i.e., 16- and 17-year-olds); not all law enforcement agencies reported arrest data for complete/full years; the arrest data described here are two years old or older; and arrest data for three populous parishes in Louisiana, including Caddo, East Baton Rouge, and Orleans, were not available or did not include data in a way that would allow analysts to examine a subgroup of 16- or 17-year-olds.

59 National Center for Juvenile Justice (2015). Arrest estimates developed from the Bureau of Justice Statistics and disseminated through the “Arrest Data Analysis Tool.” Statistical Briefing Book available at <http://ojjdp.gov/ojstatbb/crime/qa05301.asp>.

60 2011 data are presented here as they were the most complete available at the time of this study. Recent arrest data appear to reflect similar patterns to the 2011 data but would need further analysis.

Figure 2: 2011 Arrest Rates for 16- &amp; 17-Year-Olds per 100,000 Population by Offense Category

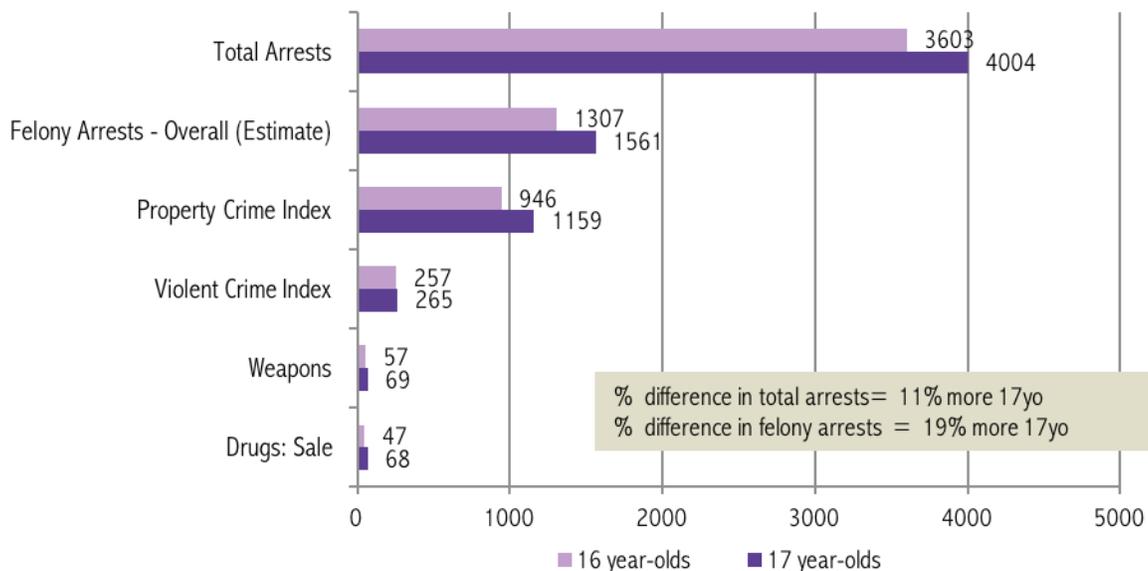
Offense Category	16-Year-Old Arrest Rate	17-Year-Old Arrest Rate
Violent Crime Index	395	458
Property Crime Index	1,936	2,152
Weapons	146	176
Drug	925	1,344
Simple Assault	953	937

Data Source: Arrest estimates developed by the Bureau of Justice Statistics and disseminated through "Arrest Data Analysis Tool." Online. Available from the BJS website.

Internet Citation: OJJDP Statistical Briefing Book. Online. Available: <http://ojjdp.gov/ojstatbb/crime/qa05301.asp>. Released on February 25, 2014.

Looking next at juvenile arrest data from the 136 Louisiana law enforcement agencies that provided a full year of arrest data for 2013, 16- and 17-year-old arrests are similar. And again, the majority of arrests are for non-violent crimes and these data for 17-year-olds are derived from adult-based approaches and criminal justice laws. These departments represent 68% of the Louisiana resident population. See Figure 3.

Figure 3: Arrests of 16 and 17 Years Old Youth in Calendar Year 2013



Based on the 136 Louisiana law enforcement departments that reported complete year arrest data in 2013. Combined, these departments represent 68% of the State's resident population.

Source: NCJ's analysis of the "Uniform Crime Reporting Program Data — Arrests by Age, Sex, and Race, Summarized Yearly, 2013." Available from ICPSR.

A review of Louisiana's juvenile arrests, those arrested and processed by juvenile procedures (i.e. under the age of 17), suggests that arrests decreased in Louisiana between 2010 and 2012. See [Figure 4](#).

**Figure 4: Arrests of Youth Younger than 17 in Louisiana Parishes for Calendar Years 2010 – 2012\***

Year	2010	2011	2012	% Change 2010-12
<b>Louisiana Juvenile Arrests</b>	9,128	8,810	7,685	-16%

\*Based on Louisiana parishes that provided juvenile arrest data on 90% or more of their juvenile population (ages 17 and younger) in calendar years 2010 thru 2012. Combined, these parishes represent approximately 32% of the State's overall population. These data do not include arrest reporting from Caddo, Calcasieu, East Baton Rouge, and Orleans parishes as these jurisdictions did not meet federal data reporting thresholds.

Source: Author's analysis of juvenile arrest data provided by Easy Access to Juvenile Populations: 1990-2014. Online.

Available: <http://www.ojjdp.gov/ojstatbb/ezapop/> (Puzzanchera, C., Sladky, A. and Kang, W. (2015).

## Waiver of Jurisdiction

Under Louisiana's current waiver system, older juveniles subject to original juvenile court jurisdiction may be waived over to criminal court for certain serious offenses and tried as adults. However, **under the current system all 17-year-olds are defined as adults for the purpose of criminal court jurisdiction for all offenses, including misdemeanors and low-level felonies.**

Delinquency Charge in Juvenile Court (16 and Under)	Adult Charge in Criminal Court (17)
Juveniles older than 15 are automatically waived to criminal court upon a finding of probable cause or indictment for first or second degree murder, first degree rape, or aggravated kidnapping (Ch.C. 305(A)).	17-year-olds are adults for the purpose of criminal court jurisdiction for all misdemeanors and felonies regardless of how minor the charge or the defendant's involvement in the offense.
Prosecutors may elect to waive juveniles older than 15 over to criminal court by indictment or upon a finding of probable cause for a range of violent felonies and certain second or subsequent offenses involving burglary of an inhabited dwelling or the manufacture, distribution or possession with intent to distribute controlled dangerous substances (Ch.C. 305(B)).	
Juvenile court judges may elect to waive over to criminal court juveniles older than 14 charged with certain serious offenses after a transfer hearing in which the court finds probable cause for the offense and that the juvenile is not amenable to rehabilitation (Ch.C. 857).	

For purposes of this study, examining raising the age of juvenile jurisdiction to include 17-year-olds does not include an examination of the current impact of discretionary transfer laws.

## Diversion Programs & Community-Based Services

Delinquency Charge in Juvenile Court (16 and under)	Adult Charge in Criminal Court (17)
Juvenile prosecutor may refer to its own diversion program or other diversionary programs such as Teen Court; The juvenile court or prosecutor may authorize an Informal Adjustment Agreement with conditions such as treatment and services or refer the matter as a Families In Need of Services (FINS) case (Ch.C. 628)	Prosecutor may assess for adult diversion programs

Although consistent data are not available from District Attorneys related to diversion practices, it is critical to note that the Louisiana District Attorneys created and disseminated one of the first documents on juvenile diversion standards. This document has garnered national attention and has been widely circulated by the MacArthur Foundation, the Institute for Public Health and Justice, and the Georgetown University National Juvenile Justice Prosecution Center. Consistent with the Pathways to Desistance Study noted earlier, and an ongoing study of formal versus informal processing from the MacArthur Research Network, diverting youth from the system provides for improved long-term outcomes for the majority of youth.

## Jails & Detention

Delinquency charge in juvenile court (16 and under)	Adult charge in criminal court (17)
Detention decision is driven by a risk assessment score in many jurisdictions	Bond is set by criminal court judge or magistrate
If risk assessment indicates secure detention, youth awaits hearing in regional juvenile detention center (Ch.C. 819); juvenile court judge may set bond and order any condition of release reasonably related to assuring the child's appearance before the court, including treatment and services (Ch.C. 826)	If unable to make bond, youth awaits trial in adult parish jail, typically in the general population
No child subject to juvenile court jurisdiction may be held in adult jail or lockup (Ch.C. 822(C))	
Mandatory provision of appropriate educational services provided by local school district, including special education, tailored to youth's abilities, needs, age, and level of functioning. (LAC 67:V §7517)	May attend GED classes with adults if available

NOTE: Time frames are shorter for juvenile justice procedures vs. adult proceedings allowing for a more expedited accountability. For example continued custody hearings must occur within three days, petitions files within two days of continued custody in detention, the petition is answered within five days of petition, and adjudication occurs within 30 to 60 days of the petition.

### Adult Jails

According to jail data available online and submitted via information requests through various partners identified in the study, estimates suggest that the **average age of youth below the age of 18 housed in jails is 17.3 years old** (note, this analysis could not disaggregate the suspected small cohort of youth, under the age of 18, jailed for violent crimes under Louisiana adult transfer laws). The average length of stay for these youth under the age of 18 varies depending on offense and parish in which the offense occurred; however, the most frequent length of stay in jail was just under two days and the average was just under a month in adult jail facilities. According to the jail booking data available, about 16% of the crimes these youth were charged with are classified as violent crimes based on the Bureau of Justice Statistics Violent Crime Index. As illustrated in **Figure 5**, the charges are almost evenly split between felony offenses and misdemeanors. It is also critical to note that a small number of "Status Offenders" are housed in adult jails according to charges at booking. These status offenses (e.g. runaway, truancy, ungovernable, etc.) are governed by the Louisiana Children's Code and not criminal code.

The top ten most frequently reported charges for 17-year-olds at adult jail booking were all lower level offenses, none of which are reportable as violent according to the Bureau of Justice Statistics Violent Crime Index (from greatest to least frequent):

1. marijuana possession,
2. warrant/attachment,
3. simple burglary,
4. simple battery,
5. disturbing the peace,
6. theft,
7. illegal possession of stolen things,
8. resisting an officer,
9. simple criminal damage to property, and
10. criminal trespassing and domestic abuse battery (tied in frequency).

Figure 5: Descriptive Statistics of Youth in Adult Jails

Factor	Approximate Figure*
Average Age of Juveniles Housed in Jails	17.3 years
Race/Ethnicity	
Black	74%
White	23%
Other	3%
Gender	
Male	76%
Female	21%
Unknown	3%
Length of Stay for 17-year-olds	Median 1.96 days / Mean 26.27 days
Percent for Felony Offenses	46%**
(Subset of Felony Offenses Classified as Violent Crimes- 16%**)	
Percent for Misdemeanor Offenses	43%
Percent for Status Offenses	1%
Percent Other (attachments, warrants, traffic, municipal violations)	7%

\*Based on available data

\*\*This analysis could not disaggregate the suspected small cohort of youth, under the age of 18, jailed for violent crimes under Louisiana adult transfer laws

## Juvenile Detention

Eight (57%) of Louisiana's 14 juvenile detention facilities responded to a survey of their capacity and utilization. These facilities self-reported that their capacity ranged from 29 to 52 beds with the average available capacity for 2014 reported to be 38 beds in any given juvenile detention center. The average length of stay across these eight facilities was 13 days for all youth served in 2014. On average, 330 individual youth were served by each detention center participating in the Louisiana survey. This includes youth on pre-hearing holds, youth awaiting placement with the OJJ, and youth serving short sentences before returning to their communities.

According to the Louisiana Commission on Law Enforcement, as of 2015, the overall capacity of all 14 juvenile detention facilities was 587 beds. Merged with the data reported in the above survey, **the average daily percentage of beds utilized in the 8 detention centers was 56% on any given day. Based on that 56%, it can be estimated that 258 beds could be available on any given day in Louisiana's juvenile detention facilities** (note that this does not account for whether the detention center is budgeted or staffed for its licensed capacity).<sup>61</sup> Reported juvenile detention facility capacities are as follows:

Juvenile Detention Facility	Licensed Capacity
Assumption Parish Youth Detention Center	46
Caddo Parish Juvenile Detention Center	29
Calcasieu Parish Office of Juvenile Justice Services	38
Community Receiving Home, Inc. Renaissance	10
East Baton Rouge Parish Juvenile Detention Center	52
Florida Parishes Juvenile Detention Center	91
Green Oaks Juvenile Detention Home	52
Lafayette Juvenile Detention Home	34
Lafourche Parish Juvenile Detention Facility	10
Rivarde Juvenile Detention Facility	55
St. Bernard Parish Juvenile Detention Center	36
Terrebonne Parish Juvenile Detention Center	60
Ware Youth Center – Coushatta	34
Youth Study Center (New Orleans Juvenile Detention Center)	40

Source: Louisiana Commission on Law Enforcement

Examining solely the youth who were in detention and under some level of care with the Louisiana OJJ, afforded more consistent statewide data for this study. When a youth (under the age of 17) is placed by a court into the supervision and care of the OJJ, that youth may be held in a local or regional juvenile detention center while he or she awaits placement. After admission to the OJJ, youth in non-secure custody, on probation, or on parole may also be detained for violating their conditions of placement or committing a new delinquent act.

For this subset of youth, the OJJ reported that a total of 1,480 unique youth, of all ages and who were committed to the agency's care/custody, used a detention facility in calendar year 2014. Some of these youth were 17 at the time of admission to detention. This presents two points. One, a number of youth who are 17 are already being served by the OJJ, and, two, their general needs and detention utilization are known based on consistently captured data. The Louisiana OJJ provided the following detention data as they apply to 16- and 17-year-old youth.

*Detention Use for youth 17-years-old and older at the time of OJJ admission:*

- 82 unique 17-year-old and older youth utilized detention facilities on 109 occasions during CY 2014.
- For all 109 of these occasions, the average length of stay was 24 days with a median of 14 days.
- 17-year-old and older youth pending secure placement made up 46% of these detention events and youth pending non-secure placements were 15% of the total.
- The average length of stay for these youth pending secure placement was 36 days with a median of 14 days.
- 30% of the 17-year-old and older youth who were detained during CY 2014, were youth remaining and returning to the custody of their guardians under community supervision.

*Detention Use for youth 16-years-old at the time of OJJ admission:*

- 356 unique youth who were 16-years-old utilized detention facilities on 541 occasions during CY 2014.
- For all 541 occasions, the average length of stay was 26 days with a median of 14 days.
- 16-year-old youth pending secure placement made up 33% of these detention events and youth pending non-secure placements were 9% of the total.
- The average length of stay for the pending secure placement was 39 days with a median of 14 days.
- 46% of the 16-year-old youth who were detained during CY 2014, were youth remaining and returned to the custody of their guardians under community supervision.

As previously shown, a substantial number of youth committed to OJJ spend time in local detention facilities either before placement or post disposition. This includes a sizable cohort of 17-year-olds, demonstrating that the OJJ and Louisiana detention facilities are already managing these youth, in detention, and outside of adult jails throughout Louisiana.

## Prosecution, Defense, & Court Proceedings

Delinquency Charge in Juvenile Court (16 and Under)	Adult Charge in Criminal Court (17)
Parents/guardians are accountable as the juvenile court has the authority to secure their full cooperation and assistance in the child's rehabilitation and their presence throughout proceedings. (Ch.C. 307(B)); if they refuse, a juvenile judge may issue a bench warrant or contempt ruling (Ch.C. 1503 et seq.).	Parents/guardians do not play a role in criminal court unless summoned to testify by either the prosecution or defense.
Juvenile court judge presides over trial proceedings and decides the case. Youth does not have the right to a jury trial (Ch.C. 882).	Criminal court judge presides over trial; defendant has right to a jury trial (jurors 18 or older) and may waive the right to a jury trial in favor of a guilty plea or a bench trial.
Youth has the right to an appointed public defender at every stage of proceedings (Ch. C. 809); Juveniles are presumed indigent (Ch.C. 320); In felony and other serious cases, youth cannot waive the right to counsel (Ch. C. 810(D)).	Defendant has the right to a court-appointed public defender upon demonstrating indigence to the court's satisfaction. Defendant may waive the right to counsel.
Juvenile judge may order a juvenile probation officer to prepare a predisposition investigation report focused on all factors relevant to the child's rehabilitation (Ch.C. art. 890); the juvenile court may also order any physical or mental examination or evaluation helpful in determining a fair and just disposition (Ch.C. 888).	Judge may order a presentence investigation report by an adult probation officer but has no authority to order mental or physical examinations or evaluations (C.Cr.P. 875).
Juvenile judge may order probation for all but the most serious offenses (Ch.C. 897 & 899).	Defendant is subject to all mandatory minimum sentences and enhancements established in the Revised Statutes.

**Juvenile court case processing times are expedited by law and are considerably shorter than the comparable adult timelines.** For example, for a youth held in juvenile detention a continued custody hearing must take place within 72 hours; a petition filed within two days of continued custody; an answer (i.e. plea) is offered within five days of the petition; adjudication is reached between 30 and 60 days; and a formal adjudication is rendered within 30 days of the adjudication. The process is thus completed, by law, between 100 and 130 days, at a maximum, from the date of being detained. For those not detained, and released back to the community awaiting their hearings, this process is about 135 days or less from the filing of the petition, which has to happen within 15 days of arrest.<sup>62</sup> By contrast, **17-year-olds in adult court proceedings are averaging over a year from the date of filing to court disposition in Louisiana's adult courts** (see [Figure 6](#)). The fact that the adult system has a considerably longer case processing time means that it can be expected that 17-year-olds, if processed in the juvenile justice system rather than the adult system, would likely use fewer total resources like court time and detention center beds while waiting on case determination and disposition.

<sup>62</sup> Timeframes were reported by the Louisiana Public Defender Board according to the Louisiana Children's Code. Note: times can be extended with cause or waived by the child, and filing of a challenge to competence to stand trial can delay the timeframe. Additionally, institution of any informal adjustment agreements suspends these proceedings.

## Court Summary Data

### 17-Year-Old Offenders in Adult District Courts

In examining District Court reports maintained and aggregated by the Louisiana Supreme Court in regard to the “age at filing” and days to disposition in adult criminal courts in 2014, over a third of cases filed were dismissed or nolle prossed, and about two thirds were formally processed and sentenced. Regardless of disposition (dismissed or found guilty), these cases frequently took over a year to reach a decision or sentence (see [Figure 6](#)). This is a time period that far exceeds the more rapid response of juvenile courts in relation to holding offenders accountable. These figures offer an estimate of between 400 and 500 17-year-olds who could impact juvenile probation and placements if the age of jurisdiction is raised.

**Figure 6: Louisiana District Court Dispositions Young Offenders Handled in Adult District Courts – Age 17 at Time of Filing**

Disposition (most Serious if multiple charges)	Number	Days to Disposition (from Date of Filing)		Age at Disposition	
		Mean	Median	Mean	Median
Dismissed	121	567	327	18.8	18.2
Nolle Prosse	171	546	196	18.9	18.0
Diverted	5	686	551	18.9	18.4
Acquittal/Not Guilty	8	369	275	18.2	18.2
Bench Warrant	6	593	886	19.2	20.1
Other	15	901	886	19.9	20.1
No Contest	26	456	211	18.6	17.9
Suspended Sentence Misdemeanor	31	162	109	17.9	17.7
Suspended Sentence Felony	16	146	112	17.8	17.7
Plead Guilty	353	268	119	18.1	17.5
Guilty Conviction	72	325	180	17.9	17.6
<b>Overall</b>	<b>824</b>	<b>391</b>	<b>149</b>	<b>18.4</b>	<b>17.8</b>

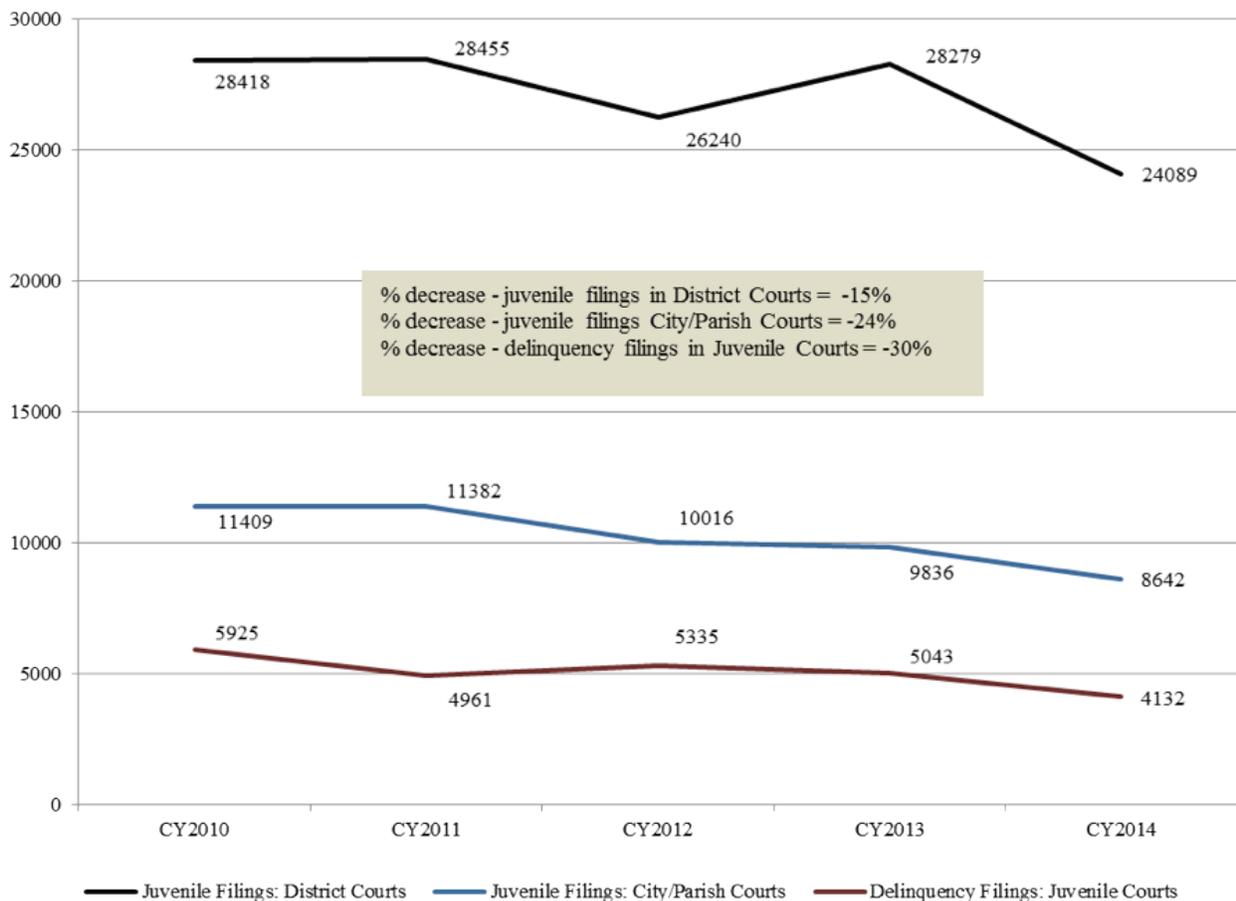
Above statistics do not include 67 cases in which disposition took more than three years (up to 10 years) due to transfer laws, data set also includes an unknown number of youth younger than 17 at time of arrest but reached age 17 by time of filing.

Source: NCJ's analysis of 2014 District Court Case Processing data from the Louisiana Supreme Court of youth age 17 at time of filing and with disposition in 2014.

### Juvenile Court

Examining court filing data in the different types of courts (district, city/municipal, and juvenile courts) that handle juvenile matters in Louisiana provided an initial measure of court filing and workload trends. In the four exclusively juvenile courts of Louisiana (Caddo, East Baton Rouge, Jefferson, and Orleans), delinquency filings decreased by 30% between 2010 and 2014. For that same period, juvenile filings in District Courts decreased by 15% and juvenile filings in city/parish courts decreased by 24%. **As no reduction in the overall number of judges has been reported, these decreases suggest that courts statewide may have capacity to accommodate 17-year-olds on their juvenile dockets.** See [Figure 7](#) for a summary of juvenile delinquency filing data obtained from the Louisiana Supreme Court.

**Figure 7: Juvenile/Delinquency Filings in Louisiana District, City/Parish, & Juvenile Courts (2010 – 2014)**



Source: NCJJ's analysis contained in Annual Reports provided by the Louisiana Supreme Court-Judicial Council of the Supreme Court (2010 – 2014). [http://www.lasc.org/press\\_room/annual\\_reports/default.asp](http://www.lasc.org/press_room/annual_reports/default.asp).

## Office of Juvenile Justice Adjudicated Offense Characteristics

The Louisiana Office of Juvenile Justice (OJJ) is able to provide data describing the general categories of offenses for which youth in its care have been adjudicated. **Figure 8** displays the most serious adjudicated offense types for youth who were 17 or older at the time of their admission to the OJJ during calendar year 2014. These data are not differentiated or separated by legal statuses/custody levels – they represent all 17-year-olds during CY 2014 only, the majority of whom were adjudicated for non-violent offenses.

**Figure 8: Most Severe Adjudicated Offense Types in 2014 – Unduplicated OJJ Admissions for All Youth Age 17 & Greater**

Statute Group	Frequency	Percent	Cumulative Frequency
Assault-Battery	42	15.97	42
Theft	41	15.59	83
Burglary	35	13.31	118
Drugs	34	12.93	152
Public Order	27	10.27	179
Status	23	8.75	202
Robbery	14	5.32	216
Sex Offense	14	5.32	230
Other Property	11	4.18	241
Weapons	10	3.8	251
Other Person Non-Violent	5	1.9	256
Other	2	0.76	258
Other Person Violent	2	0.76	260
Homicide	1	0.38	261
Public Safety	1	0.38	262
Traffic	1	0.38	263
Missing = 21			

Source: Louisiana Office of Juvenile Justice

The review of available adjudicated offense data from the Louisiana OJJ revealed that **the most serious adjudication offense types have essentially remained the same over the past three and a half years**. The top five most severe adjudicated offense types for 17-year-old youth, admitted to the OJJ during this period (2012 through the first six months of 2015), are reported as:

- Assault-battery,
- Burglary,
- Theft,
- Public order offenses, and
- Drug offenses.

“Status” offenses (i.e., Family in Need of Services, or FINS, violations) represented the sixth highest category of adjudicated offenses for this age group during this period.

## Supervision & Custody

### Probation

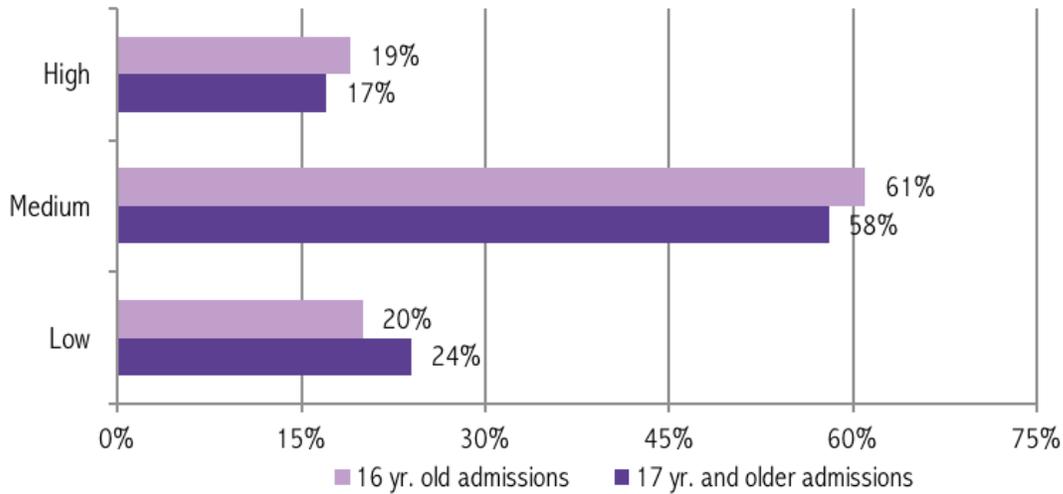
Delinquency Charge in Juvenile Court (16 and Under)	Adult Charge in Criminal Court (17)
Judge may sentence youth to probation for all but a few serious offenses (Ch. C. 897(E) & 897.1); youth is accountable for meeting terms of probation (Ch. C. arts 897 & 899); parents/guardians are accountable to enforce terms of probation and may be sanctioned if they do not (Ch. C. art. 307(B); Ch. C. arts. 1503 et seq.).	Many offenses, including non-violent offenses, require mandatory minimum sentences or sentences without benefit of parole, probation, or suspension of sentence; For offenses without mandatory minimums, a judge may sentence defendant to probation; defendant is solely accountable for meeting terms of probation.
Probation focuses not only on accountability but rehabilitation through education, service provision, and building competencies and skills.	Probation focus is on compliance monitoring.

In Louisiana, juvenile probation is administered and managed in most parishes by the Louisiana OJJ. The exceptions are Caddo, Calcasieu, Easton Baton Rouge, Jefferson, and Rapides parishes that operate their own local juvenile probation services (see **Appendix A** for a summary of local probation data). While these five parishes operate local probation services, the OJJ still provides secure and non-secure placement and parole services. Adult probation in Louisiana is administered and managed by the Louisiana Department of Public Safety and Corrections.

#### *Louisiana Office of Juvenile Justice*

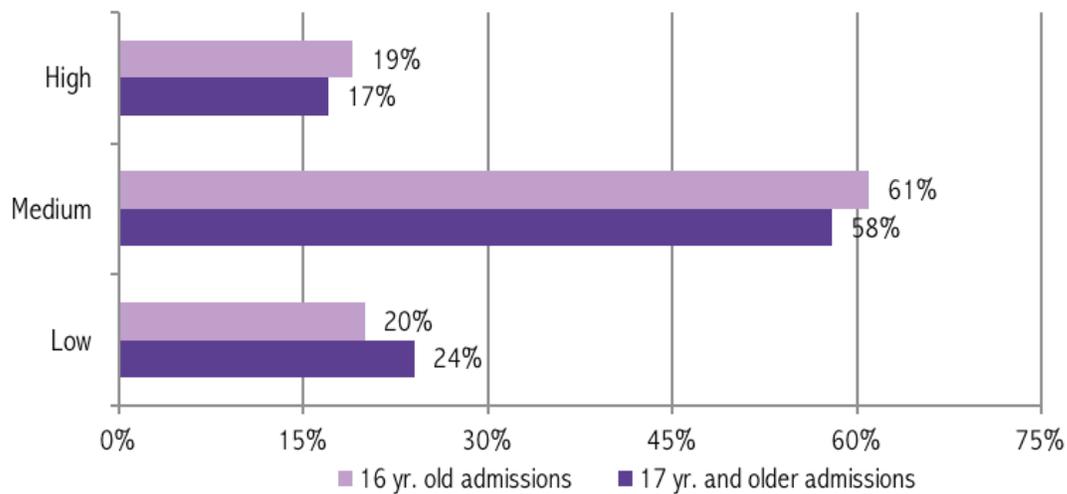
An objective description of both public safety risk and rehabilitation needs of 17-year-olds in Louisiana exists through the statewide measure used by the OJJ (the Structured Assessment of Violence Risk in Youth, i.e. SAVRY). The OJJ has a sizeable population of youth referred to its care at the age of 17. According to the comparison of these youth, with those that were 16-years-old and in the care of the OJJ, little difference was found in either risk for violence or future delinquency, which is consistent with what would be expected based on developmental research. Their placement in the system according to risk is also similar and has held relatively stable for the last three years. See **Figures 9, 10, 11, and 12**.

Figure 9: Risk Rating for Violence Identified in Initial SAVRY at Referral to the Office of Juvenile Justice



Source: Summary data on 16-year-olds and 17-year-olds and older at admission for FY2012 thru FY2014 and for the first six months of FY2015 provided by Louisiana Office of Juvenile Justice

Figure 10: Risk Rating for Delinquency Identified in Initial SAVRY at Referral to the Office of Juvenile Justice



Source: Summary data on 16-year-olds and 17-year-olds and older at admission for FY2012 thru FY2014 and for the first six months of FY2015 provided by Louisiana Office of Juvenile Justice

**Figure 11: 17-Year-Old Supervision and Placement Levels**

Supervision Status	2012	2013	2014	Avg/Year	2015 – 1st 6 Months	Estimated 2015
Secure Custody	49 (15%)	55 (17%)	40 (14%)	48 (15%)	29 (18%)	58 (18%)
Non-Secure Custody	12 (4%)	16 (5%)	10 (4%)	13 (4%)	4 (3%)	8 (3%)
Probation/Parole	199 (62%)	186 (57%)	176 (62%)	187 (60%)	87 (55%)	174 (55%)
Diversion (incl. INT)	46 (14%)	52 (16%)	46 (16%)	48 (15%)	30 (19%)	60 (19%)
Missing	15 (5%)	19 (6%)	12 (4%)	15 (5%)	7 (4%)	14 (4%)
Yearly Totals	321 (100%)	328 (100%)	284 (100%)	311 (100%)	157 (100%)	314 (100%)

Source: Louisiana Office of Juvenile Justice

NOTE: 2015 estimates reflect a simple doubling of the OJJ data provided for the first six months of that year. Diversion is generally for low risk/less serious offenders who can be effectively served without being placed in more restrictive levels of custody or supervision. INT refers to youth who may have been in some type of interim status during these periods.

**Figure 12: 16-Year-Old Supervision & Placement Levels**

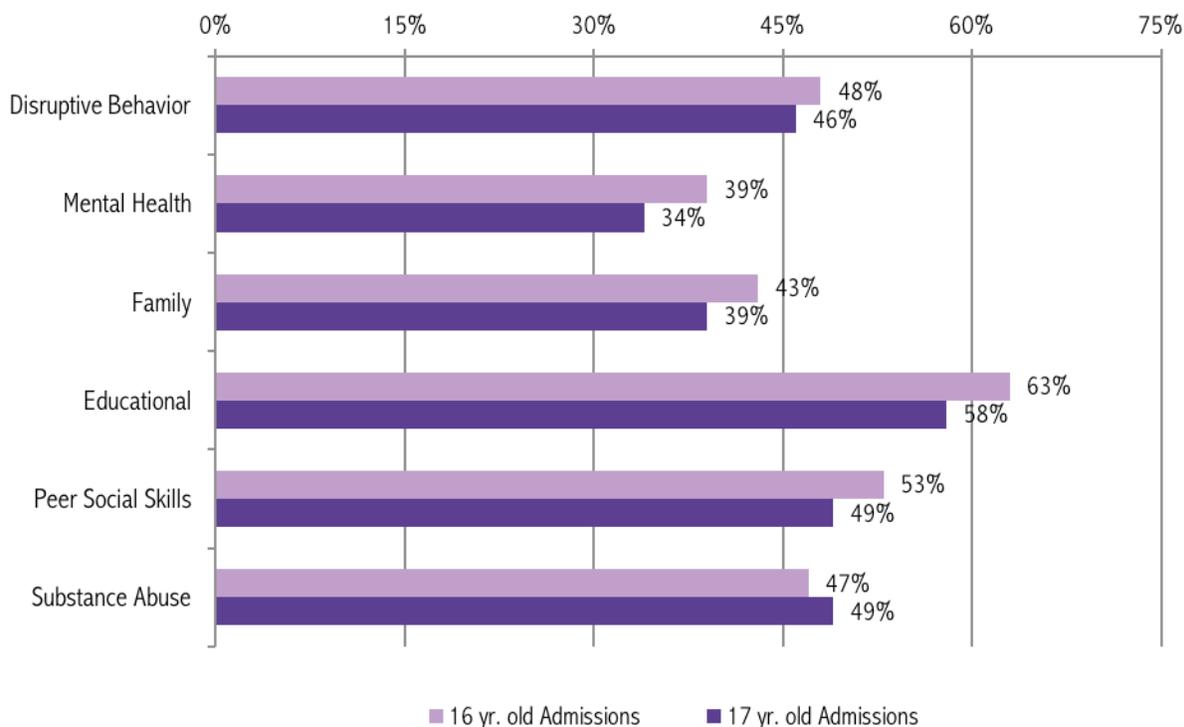
Supervision Status	2012	2013	2014	Avg/Year	2015 – 1st 6 Months	Estimated 2015
Secure Custody	125 (14%)	128 (14%)	123 (15%)	125 (14%)	44 (10%)	88 (10%)
Non-Secure Custody	73 (8%)	65 (7%)	46 (6%)	61 (7%)	25 (6%)	50 (6%)
Probation/Parole	556 (61%)	544 (60%)	495 (60%)	532 (60%)	241 (57%)	482 (57%)
Diversion (incl. INT)	130 (14%)	143 (16%)	145 (17%)	139 (16%)	99 (23%)	198 (23%)
Missing	22 (2%)	24 (3%)	21 (3%)	22 (3%)	15 (4%)	30 (4%)
Yearly Totals	906 (100%)	904 (100%)	830 (100%)	880 (100%)	424 (100%)	848 (100%)

Source: Louisiana Office of Juvenile Justice

NOTE: 2015 estimates reflect a simple doubling of the OJJ data provided for the first six months of that year. Diversion is generally for low risk/less serious offenders who can be effectively served without being placed in more restrictive levels of custody or supervision. INT refers to youth who may have been in some type of interim status during these periods.

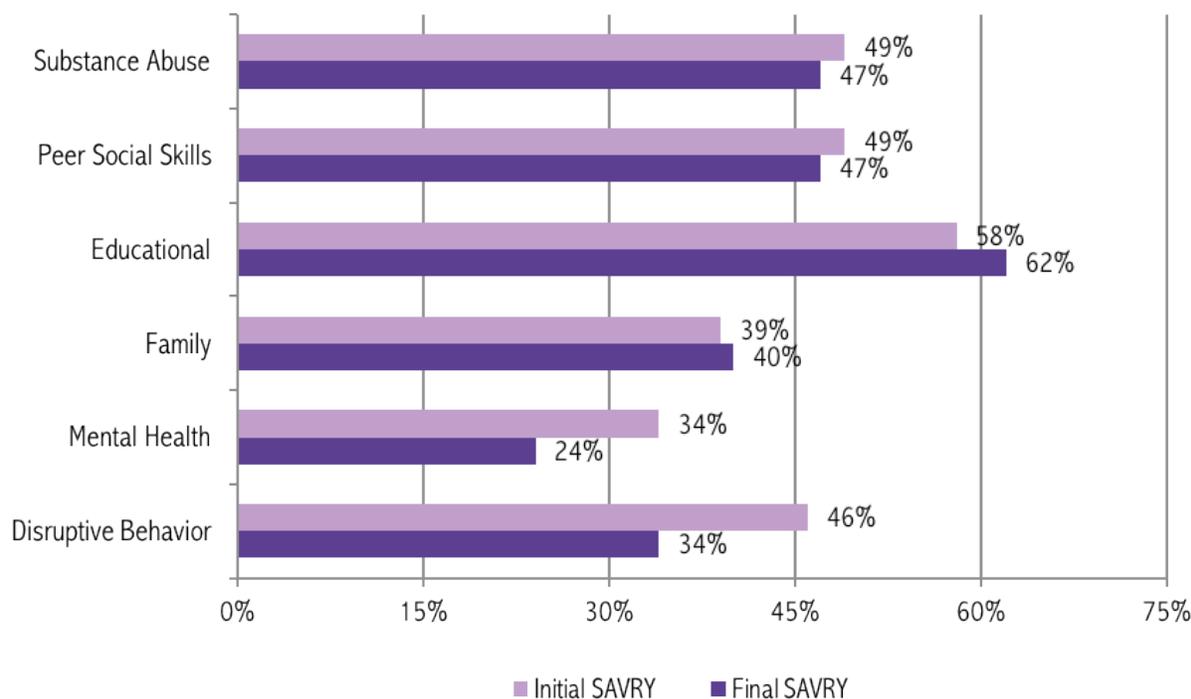
Similarly, there appear to be few differences in the needs of both 16- and 17-year-olds already in the care of the OJJ according to SAVRY results (See [Figure 13](#)). Pre- and post-measured need indicators for the 17-year-old group, show marked improvements in both the mental health and disruptive behavior areas of need assessed by the SAVRY and no significant changes in other areas (see [Figure 14](#)). Currently, the Louisiana Department of Corrections does not have a similar measure deployed statewide.

Figure 13: Need Areas Identified in Initial SAVRY by Age at Referral to Office of Juvenile Justice



Source: Summary data on 16-year-old and 17-year-old and older admissions for FY2012 thru FY2014 and for the first 6 months of FY2015 provided by Louisiana Office of Juvenile Justice

Figure 14: Comparison of Need Areas Identified in the Initial & Final SAVRY for Youth 17-Years-Old & Older Served by Office of Juvenile Justice



Source: Louisiana Office of Juvenile Justice — Summary data on youth 17-year-old and older served during FY2012 thru FY2014 and for the first six months of FY2015

### Office of Juvenile Justice Services Utilized by Youth Admitted at Age 16 and 17

Reflective of the services, already in place for youth being served by the OJJ, there are no substantial differences in utilization patterns between 16- and 17-year-olds. This includes services rendered under current OJJ capacity for both non-residential (see [Figure 15](#)) and residential (see [Figure 16](#)) programming.

**Figure 15: Comparison of Non-Residential OJJ Services Utilized by Youth Age 16 & 17 at Admission**

Service Type – Non-Residential	16-Year-Olds	17-Year-Olds	% of 16-Year-Olds	% of 17-Year-Olds
Electronic Monitoring	188	56	23%	20%
Community Program	50	23	6%	8%
Trackers	84	20	10%	7%
Mentoring	40	18	5%	6%
Magellan Contract		9		3%
Substance Abuse	16	4	2%	1%
Intensive In-Home	13	2	2%	<1%
Group Home	6		1%	
Community Counseling	5		1%	
Halfway House	1		<1%	

Source: Summary data on 16-year-old and 17-year-old and older admissions for FY2012 thru FY2014 and for the first six months of FY2015 provided by Louisiana Office of Juvenile Justice

**Figure 16: Comparison of Residential OJJ Services Utilized by Youth Age 16 & 17 at Admission**

Service Type – Residential	16-Year-Olds	17-Year-Olds	% of 16-Year-Olds	% of 17-Year-Olds
Substance Abuse	60	19	7%	7%
Group Home	51	9	6%	3%
Miscellaneous/Other	82	9	10%	3%
Residential	46	9	6%	3%
Emergency Shelter	20	7	2%	2%
Private Psychiatric Facility	27	3	3%	1%
State Hospital		2		<1%
Halfway House	4	1	<1%	<1%
Independent Living	1		<1%	
Job Corps	1		<1%	
Private Placement	1		<1%	

Source: Summary data on 16-year-old and 17-year-old and older admissions for FY2012 thru FY2014 and for the first six months of FY2015 provided by Louisiana Office of Juvenile Justice

## Recidivism

Recidivism, a measure commonly reviewed in relation to public safety, also appears to be less for 17-year-olds, as compared to other age groups, exiting the OJJ's secure care (see [Figure 17](#)), non-secure care (see [Figure 18](#)), and probation/parole services (see [Figure 19](#)). Recidivism rates and comparisons need to be interpreted with caution since current approaches to 17-year-old arrests and processing are based on adult criminal justice standards in Louisiana.

**Figure 17: OJJ Secure Care Post Release Recidivism**

	All Ages	16 Years Old at Admission	17 Years or Older at Admission	Recidivism Cohort
1-Year Recidivism	21.7%	8.3%	10.2%	FY2013-14
2-Year Recidivism	37.5%	30.1%	23.5%	FY2012-13
3-Year Recidivism	45.7%	43.9%	34.4%	FY2011-12

**Figure 18: OJJ Non-Secure Care Post Release Recidivism**

	All Ages	16 Years Old at Admission	17 Years or Older at Admission	Recidivism Cohort
1-Year Recidivism	16.0%	7.4%	6.3%	FY2013-14
2-Year Recidivism	30.0%	15.7%	20.0%	FY2012-13
3-Year Recidivism	39.4%	43.2%	33.3%	FY2011-12

**Figure 19: OJJ Probation/Parole Post Release Recidivism**

	All Ages	16 Years Old at Admission	17 Years or Older at Admission	Recidivism Cohort
1-Year Recidivism	11.9%	4.8%	7.8%	FY2013-14
2-Year Recidivism	20.0%	12.7%	15.9%	FY2012-13
3-Year Recidivism	16.6%	18.8%	16.6%	FY2011-12

Source: Louisiana Office of Juvenile Justice

Another, albeit very crude, comparison of recidivism may be derived from comparing the Louisiana OJJ rates for youth admitted at age 17 and the rates of 17-year-old youth placed with the Louisiana Department of Public Safety and Corrections. Recidivism is measured similarly according to both agency's definitions.<sup>63</sup> However, the same cautions noted above should be taken into consideration given that it is suspected that the Department of Public Safety and Corrections is more likely to have predominantly felony offenders and not the mix of 17-year-old offenders (felony, misdemeanor, and status) that the OJJ currently manages. Regardless, **those admitted at 17 into the Department of Public Safety and Corrections appear to recidivate at about a 20% greater rate than those admitted to the OJJ at the age of 17 at each annual interval post release.** See [Figure 20](#). These findings are also consistent with national studies that report higher recidivism for youth handled in the adult criminal justice system.

<sup>63</sup> OJJ defines a recidivist as a youth who is discharged from OJJ custody and later placed back into the care of OJJ as a result of a subsequent adjudication or as a result of a criminal conviction that results in custody in the adult corrections system (DPSC). DPSC uses essentially the same criteria for tracking its recidivists (i.e., offenders released from adult custody who are convicted of a new offense and returned to agency custody).

Figure 20: Comparison of OJJ &amp; DPSC Recidivism Rates – All Custody Statuses

	17 years or older at OJJ Admission (any custody type)	17 years of age at DPSC Admission (any custody type)
1-Year Recidivism	8.2%	28.9%
2-Year Recidivism	17.6%	39.3%
3-Year Recidivism	21.3%	48.2%

Source: Louisiana Office of Juvenile Justice and Louisiana Department of Public Safety and Corrections. These findings are based on separate reports of recidivism of youth admitted into either OJJ or DPSC at the age of 17.

Clarification: DPSC recidivism data are based on a report of 76 individuals that were “17 at admission.”

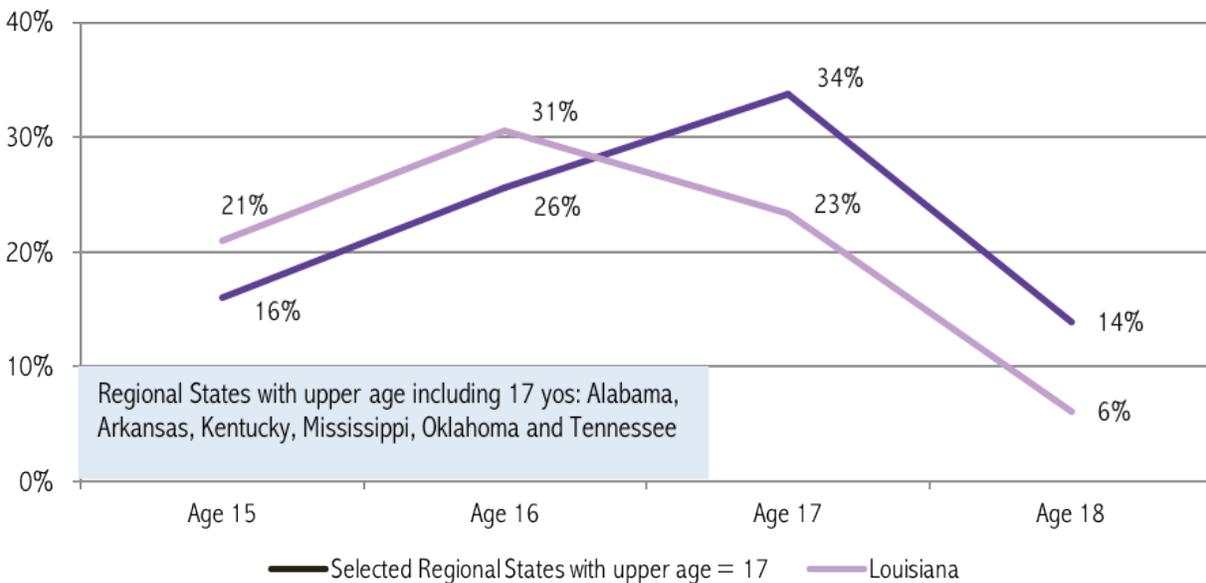
## Incarceration

Delinquency charge in juvenile court (16 and under)	Adult charge in criminal court (17)
Juvenile judge may impose a determinate disposition of commitment to OJJ custody until the juvenile’s 21st birthday provided that period does not exceed the maximum term of imprisonment established in the Revised Statutes for the adjudicated offense; judge may also commit the juvenile to the custody of a private or public institution or agency (Ch.C. 898 & 899).	Judge may sentence defendant to a set term of incarceration up to the maximum term of imprisonment provided in the Revised Statutes.
An adjudication for first or second degree murder, first degree rape or aggravated kidnapping requires confinement in a secure-care placement until the age of 21 without possibility of early release (Ch.C. 897.1); an adjudication for armed robbery requires confinement in a secure-care placement for a length of term imposed by the court without possibility of early release (Ch.C. 897.1).	
Juvenile judge maintains authority to modify disposition to more or less restrictive conditions or settings based on rehabilitative needs of the juvenile for all but most serious offenses (Ch.C. 909).	
Upon commitment, OJJ must assess the child’s academic grade level, develop an individualized learning plan, and report quarterly to the juvenile court on the child’s academic progress (Ch.C. 905.1).	Any educational programming is voluntary, subject to availability, and not monitored by the court.
Prior to a juvenile’s release from commitment, OJJ must develop transitional plan addressing the juvenile’s needs related to education, health, permanent connections, living arrangements, independent living skills, and employment (Ch.C. 908).	Defendants are typically released with little or no support upon the expiration of their term.

## National Comparison of Juvenile Correctional Populations

As Louisiana considers raising the age of juvenile jurisdiction, this study examined other southern states that already include 17-year-olds in their juvenile justice systems. Comparatively, it appears raising the age of juvenile jurisdiction in Louisiana may generate small shifts in the demographics of youth in the juvenile justice system. In general, the proportion of 17-year-olds in juvenile correctional care (secure care) is higher than similarly placed 16-year-olds in states with an upper age of juvenile jurisdiction of 17. A comparison of one-day snapshot data (October 27, 2010) provided to the Council of Juvenile Correctional Administrators (CJCA) by six southern states, with an upper age of juvenile jurisdiction of 17, reveals that 34% of youth residing in correctional facilities were 17 years of age. Youth 16 years of age represent 26% of that population. Louisiana might anticipate a similar proportion with 17-year-olds making up approximately one-third of the correctional population if the age of juvenile jurisdiction was raised. See [Figure 21](#).

**Figure 21: Age Distribution Snapshot of Youth in Juvenile Correctional Residential Care (October 27, 2010) Six Regional States (Upper Age of 17) & Louisiana (Upper Age of 16)**



Source: Author analysis of one-day residential care snapshot data provided the Council of Juvenile Correctional Administrators (CJCA) by six selected states for the CJCA Yearbook 2012.

Please see: Loughran, E.J., Godfrey, K. et al. (2012). CJCA Yearbook 2012. A National Perspective of Juvenile Corrections. Braintree, MA: Council of Juvenile Correctional Administrators.

## Recordkeeping & Expungement

Delinquency charge in juvenile court (16 and under)	Adult charge in criminal court (17)
Confidentiality rules apply to arrest and court records (Ch.C. 412); court hearings are closed to the public except in cases involving violent felonies and second or subsequent felony-grade adjudications (Ch.C. 407 & 879).	Arrest and court records are public records; court hearings are open to the public.
Commercial background checks do not reveal juvenile arrests or adjudications, but they are available to law enforcement, courts, and other state agencies (Ch.C. 412).	Commercial background checks by employers, educational institutions, and insurance carriers reveal arrests and convictions.
Juvenile expungement statutes apply to arrests, misdemeanor adjudications, and felony adjudications for offenses other than murder, manslaughter, any sexual crime, kidnapping, or armed robbery (Ch.C. 918).	Expungement is not permitted for felony convictions for any crime of violence, sexual offenses, and many violations of the Uniform Controlled Dangerous Substances Law (C.Cr.P. 978).
Expungements can be granted after two years for a misdemeanor and after five years for a felony (Ch.C. 918).	Expungements cannot be granted until five years have elapsed for a misdemeanor and 10 years for a felony (C.Cr.P. 977 & 978).
Expungement order requires the destruction of all records and an absolute bar to the release of any information that cannot be destroyed (Ch.C. 920).	Expungement of adult records means certain convictions may be sealed and closed to the general public, but does not result in the destruction of records; information may still be released to law enforcement, courts, and licensing boards (C.Cr.P. 973).

While no data exists specific to expungement and confidentiality of data solely for Louisiana, descriptions of how this is anticipated to impact long-term job attainment, earnings, and recidivism are offered in the earlier examination of national literature. In this study's survey of juvenile justice stakeholders, several judges offered statements regarding confidentiality when asked, "What do you believe would be beneficial about raising the age of juvenile jurisdiction to include 17-year-olds?" Anonymous survey responses from judges included:

***"...ADDITIONALLY, CONFIDENTIALITY (IN THE JUVENILE SYSTEM) PROVIDES PROTECTIONS TO FACILITATE A CLEAN START." – JUVENILE COURT JUDGE***

***"PREVENTING YOUNG HIGH SCHOOL STUDENTS FROM HAVING AN ADULT CRIMINAL RECORD FOR ADOLESCENT BEHAVIOR WOULD BE BENEFICIAL." – DISTRICT COURT JUDGE***

***"...IT WOULD BE BETTER IF THEY WERE IN JUVENILE COURT TO KEEP THEIR 'FIRST' OFFENSE OUT OF ADULT COURT AND A PERMANENT CRIMINAL HISTORY." – CITY COURT JUDGE***

## IMPACT ANALYSES OF PLACING 17-YEAR-OLDS IN LOUISIANA'S JUVENILE JUSTICE SYSTEM

When 17-year-olds are arrested for an offense in Louisiana, their experience includes arrest, possible detention or jail, court processes, possible secure or non-secure placement, possible community supervision, and release. Estimating impact at any of these points is difficult at best. Illinois and Connecticut recently raised the age of juvenile jurisdiction to include 17-year-olds and projected 30% increases. Both of these systems have experienced decreases, and not the increases projected, after incorporating 17-year-olds into their juvenile justice systems. One rationale for why these estimates tend to over project is that they cannot account for the different approaches to arrest, court, placement, etc. when to 17-year-olds are viewed as juveniles and not automatically as adults.

This current study's impact analysis focused on the effects 17-year-olds in Louisiana would have on detention facilities, courts, and dispositional placements due to the availability of data to support the inquiry in Louisiana. Arrests are held constant, although this may contribute to an overestimation based on the experience of other states where arrests of 17-year-olds decreased after raising their age of juvenile jurisdiction.

### Arrest & Detention Impact

The study team, with the support of several state partners, attempted to access data directly from facilities and from publicly available jurisdictional data; however, the information was inconsistent. Rather than relying on less-than-optimal data based on inconsistent information, the methods were altered to use more general information that could be formulated to create projections across Louisiana jurisdictions. It is anticipated that these methods will lead to a higher, overestimation of impact. A stepwise analysis was employed beginning with estimating the number of arrests statewide, followed by examining the number of arrestees who are jailed, and then applying logic-based projections based on statewide population estimates.

#### Arrests of 17-Year-Olds

According to National Center for Juvenile Justice and Easy Access Statistics of the U.S. Office of Juvenile Justice (OJJ) and Delinquency Prevention, there were 4,004 arrests of 17-year-olds in 2013. This represents reporting from Parishes that make up 68% of Louisiana's population. Based on the 68% reporting, **an estimate for the entire state is 5,888 arrests of 17-year-olds in 2013.**<sup>64</sup>

#### Jailed 17-Year-Olds

To estimate how many 17-year-olds were jailed at or after arrest, the analysis turned to those jails for which complete data for the rate of jailing were available. These data points had to include date-of-birth or age, as well as date of arrest or booking to offer sufficient analysis. For most parishes the information shared, or publicly available, was inconsistent in reporting these data points. However, based on arrest and jailing data on 17-year-olds reported by Louisiana jurisdictions to the U.S. Department of Justice and the OJJ Delinquency Prevention, an estimate can be established.<sup>65</sup> For example:

Bossier City:	2010 population: 1,610 17-year-olds 1.8% of those in the Parish are jailed
Jefferson:	2010 population: 5,719 17-year-olds 0.33% of those in the Parish are jailed

<sup>64</sup> Total arrests = 4004 / 0.68. Note this is reliant on the assumption that the 68% reporting is representative.

<sup>65</sup> Note these estimates will not account for population increases and decreases or the fluctuation in arrest rates for all age groups.

The pattern is similar for other parishes, and to the point, it can be assumed that approximately 1% of the 17-year-old population of Louisiana may be jailed in a given year. The arrest rates are more variable than the jailing rates, so it is more consistent to use jailing rates for statewide projections of detention. This means, that using the parishes reporting these data as a standard for the state, approximately 1% of 17-year-olds in any given parish would be jailed.

**Impact Assumption #1:** For any given Parish we will have similar jailing rates to those for whom we have data (e.g. Bossier City, Jefferson).

## Population of 17-Year-Olds

The U.S. Decennial Census estimated the 17-year-old population in Louisiana was 65,106 for 2010.<sup>66</sup> Using the assumption that 1% of the 17-year-olds in the state will be jailed, rendered **an estimate of 651 17-year-olds being jailed in a given year**. This is 11% of 5,888 17-year-old arrestees overall based on adult criminal justice procedures currently experienced by this population in Louisiana.

## Estimating Juvenile Detention Bed Utilization

The next step used the 651 estimated 17-year-olds jailed under adult procedures as part of the formula to approximate how long these youth would stay in a juvenile detention facility and estimate how many beds would be required to accommodate 17-year-olds over the course of a year. The best estimate of the average length of stay (ALOS) in juvenile detention is based on 16-year-olds in a recent year. This facilitated an estimate of bed days in detention for a new 17-year-old population.

**Impact Assumption #2:** 17-year-olds who are jailed in Louisiana will stay in juvenile detention for similar terms to 16-year-olds currently detained under juvenile procedures. Half will stay the median and half will stay the mean length of stay for current 16-year-olds.<sup>67</sup>

Using 2014 Louisiana OJJ data on detention of 16-year-olds (the best available detention length of stay data), there were 541 admissions to detention with an ALOS of 26 days, and a median of 14 days.<sup>68</sup> Logically, but with reasonable limitations in estimation, a future cohort of 17-year-olds may use juvenile detention facilities in similar ways. Utilizing the mean for half of these youth and the median for the other half offers a higher estimate (i.e. overestimate) than fully relying on the median.

- 651: 17-year-olds detained (half will stay 26 days; half will stay 14 days)
- 13,021: bed-days will be utilized
- 35.7: youth to accommodate on any given day<sup>69</sup>

In summary, **to accommodate 17-year-olds would require approximately 36 additional youth to be held in juvenile detention facilities statewide, which currently have a total capacity of 587 beds on any given day in Louisiana.**<sup>70</sup>

<sup>66</sup> Source: factfinder.census.gov. No adjustments were made for increases or decreases of the Louisiana population since 2010.

<sup>67</sup> The ALOS data for 16-year-olds in detention include those awaiting placement, those awaiting adjudication, and those sanctioned for violating their supervision. This estimate is projected to be similar to what 17-year-olds would be expected to experience, and represents a likely utilization of detention for purposes of this study.

<sup>68</sup> This logic shows consistency, in that the 16-year-old population has similar behavior compared to the 17-year-olds. For example, the estimate of 17-year-old jailings is 651 and the 2014 16-year-olds admitted to detention was 541.

<sup>69</sup>  $((651 * .5) * 14 + (651 * .5) * 26) = 13,021$ ;  $13,021 / 365 = 35.7$

<sup>70</sup> Louisiana Commission on Law Enforcement report of Louisiana Juvenile Detention Capacity in 2015.

## Dispositional Impact

In order to estimate the impact that 17-year-olds would have on the dispositional placements, the best comparable estimate is based how the current 16-year-old population serve their dispositions (albeit an overestimation since 16-year-olds have a longer potential length of stay in the juvenile justice system). Examining the average length of stay for these 16-year-olds, assuming 17-year-olds will serve similar terms on these dispositions, and applying these dispositions to the estimate of 17-year-olds that have been convicted in a recent year, a dispositional impact was projected.

### Disposition Distribution

Data describing the distribution of dispositions for the 16-year-olds who were admitted to the Louisiana OJJ in 2014 was provided by the OJJ.<sup>71</sup>

**Impact Assumption #3:** 17-year-olds will have similar dispositions as the current 16-year-old population being admitted to the Louisiana OJJ.

Applying these methods, the breakdown of the Louisiana OJJ disposition distributions of 16-year-olds for 2014 is as follows:

- 15% secure
- 6% non-secure
- 63% probation/parole + missing
- 17% diversion

### Length of Stay in Dispositional Placements

To calculate the average length of disposition if 17-year-olds were processed via juvenile jurisdiction, 16-year-olds' release data per dispositional code, provided by the Louisiana OJJ for 2014, were used.<sup>72</sup>

**Impact Assumption #4:** 17-year-olds will serve, on average, the same amount of time that 16-year-olds have served prior to release in 2014.

The average length of stay provided by the Louisiana OJJ is based on the youth's highest custody level. If a youth stayed three days, or 300 days, in a secure placement as part of a 350-day disposition/sentence, his total length of stay of 350 days was calculated as a length of stay in secure custody. The estimate, therefore, is higher (i.e. an overestimate), as it weights to the more restrictive stays and maximum length of stay by disposition. Overall, this means that these estimates will reflect the more expensive and more restrictive custody than is actually anticipated to be experienced by 17-year-old youth. The weighted, average length of stay for each placement level for youth released in 2014 was:

- Secure: 331.7 days
- Non-secure: 256.3 days
- Community: 343.1

<sup>71</sup> These data include a group of 16-year-olds categorized as "missing." These "missing" numbers were added to the community supervision, as it is the most common disposition, and it is assumed that those in secure and non-secure facilities (i.e. physical custody of the Office of Juvenile Justice) would have more consistently known values.

<sup>72</sup> Per the Louisiana Office of Juvenile Justice, these placements represent the most serious placement during this sample of 16-year-old's supervision or custody. Community placements include both probation and parole.

## Number of 17-Year-Olds Disposed & Placed

To approximate the number of 17-year-olds to whom these disposition estimates would apply, the *Louisiana District Court Dispositions* data provided the number of 17-year-olds who were handled by the adult district courts.<sup>73</sup> In total there were 824 cases in 2014. For the purposes of this analysis of dispositional placements, it is adjusted for the smaller number who were found to be, or pled, guilty to project the number of 17-year-olds that might be adjudicated delinquent under similar juvenile circumstances. According to the Louisiana District Court Dispositions data for 2014:

- No Contest: 26
- Suspended Sentence Misdemeanor: 31
- Suspended Sentence Felony: 16
- Plead Guilty: 353
- Guilty Conviction: 72
- **Total Conviction/Adjudication: 498**

**Impact Assumption #5:** The 17-year-olds found “guilty” in adult court would be adjudicated delinquent in a court handling juvenile matters.

This assumption is limited in that the findings reached in adult courts versus juvenile courts will differ.<sup>74</sup> Using these methods, the projection is that **an estimated 498 17-year-olds would be disposed in juvenile court proceedings.**<sup>75</sup> Applying the distribution of the 16-year-olds’ custody status and placements in the Louisiana OJJ to these 498 17-year-olds, and the average length of stay for each placement type seen by the 16-year-olds, then dividing by 365 it was estimated how many additional youth would need each placement type annually. The estimates are as follows:

Office of Juvenile Justice Placement	% Distribution	17-Year-Olds	ALOS	Days	Est. # of 17-Year-Olds
Secure	15%	74	331.7	24,545.8	67.2*
Non-Secure	6%	29	256.3	7,432.7	20.4
Community	63%	313	343.1	107,390.3	294.2
Diversion**	17%	84			

\*Assumes no youth will be discretionarily transferred under current laws, which is unlikely, thus this is an overestimation.

\*\*There are no descriptions available to further clarify diversion, including any recorded lengths of stay in diversion. Therefore there is no calculation of impact attempted.

**This leads to the finding that, if Louisiana were to raise the age of juvenile jurisdiction, there may be approximately 67 additional youth in secure care, 20 additional youth in non-secure care, and 294 additional youth on community supervision.**<sup>76</sup>

See the Office of Juvenile Justice projected capacities for 2016 in **Appendix B**. The preliminary projected capacity from the Louisiana Office of Juvenile Justice, along with local probation information contained in **Appendix A**, suggests that **OJJ and local probation departments, may be able to absorb this level of increase with sufficient planning and appropriate resources.**

73 District Court data was utilized for these estimates as most adult felony criminal proceedings are handled through district courts and not municipal or city courts. These district court cases are also most likely to produce referrals to state managed probation or correctional facilities.

74 Many of those that were 17 at filing were not sentenced until they were 18 or older due to processing times.

75 This flows logically from the arrests and jailings calculated above, as many more are arrested and jailed than would actually be adjudicated or convicted.

76 Assumes no youth will be discretionarily transferred under current laws, which is unlikely, thus this is an overestimation.

## STAKEHOLDER INPUT

The study team conducted outreach and surveys of several key stakeholders in Louisiana's justice system. These formal and informal discussions, with groups and individuals, captured perspectives from law enforcement, judges, district attorneys, public defenders, probation officers, and juvenile justice system administrators on the issue of raising the age of juvenile justice jurisdiction to include 17-year-olds. These findings are based on convenience samples and voluntary responses and should not be interpreted as representative of all stakeholder opinions.

**Law Enforcement** input was captured in a variety of meetings and individual discussions. Based on these conversations, there seemed to be some agreement that it is at least problematic and undesirable to have 17-year-olds in adult jails. Other respondents offered comments concerning a lack of uniformity in legal codes governing arrests. One sheriff noted, "Louisiana laws lack consistency. A 17-year-old could be a status offender, a delinquent, or an adult criminal depending on how the arresting officers approach the situation." Another law enforcement officer expressed his opinion that, "having 17-year-olds treated as adults makes arrest procedures less complicated than having to follow juvenile arrest and questioning procedures, which require involving parents." As a group, the Louisiana Sheriff's Association did not offer any data or comment in support of, or opposition to, including 17-year-olds in the juvenile justice system.

**District Attorney** opinions were captured via meetings, an invitation to present initial findings of this study at a statewide meeting of elected District Attorneys, and during individual conversations with study team members. As a professional association, the District Attorney Association was reported to have voted to take no position until further data were made available. In individual discussions and smaller informal meetings, several District Attorneys and Assistant District Attorneys described understanding research on adolescent development and the rationale for raising the age of jurisdiction, to include 17-year-olds, based on that research; a few described concern about current resources available in the OJJ to accommodate such a change; and most District Attorneys consistently voiced an opinion that the discretion to transfer youth under current legal statutes remain even if the upper limit of juvenile jurisdiction is raised. An Assistant District Attorney summarized this saying, "Raising the age makes sense in relation to what we know developmentally, but DAs should also maintain the discretion to transfer youth when necessary for public safety."

**Public Defense Attorney** input was garnered through involvement of the Louisiana Public Defender Board administration, comments from juvenile public defenders at the Louisiana Center for Children's Rights, and individual discussions with public defense attorneys. All who participated in dialogs concerning raising the age of juvenile jurisdiction to include 17-year-olds, consistently voiced support for such efforts. Attorneys in offices that reported not having exclusively assigned juvenile public defenders have expressed a need to plan how any increases in juvenile caseloads would be triaged and managed. Several public defenders noted that a key reason for supporting raising the age would be greater access to developmentally appropriate placements and services. They also described better safeguards for confidentiality in juvenile proceedings. As a public defender stated, "An adult felony conviction closes all kinds of doors to a person – doors that should be opened for children, not closed. The structure of punishment and supervision in adult court is designed for adults and should not be imposed on children. Children need support to learn from their mistakes, get on the right path and start afresh. They cannot and do not receive this support in adult court. Instead, a child is branded for life with a criminal conviction, too often sentencing him to a life with fewer opportunities for success and growth."

**Adult Jail Administrators**, in individual discussions and meetings, described general support for raising the age of juvenile jurisdiction to include 17-year-olds. They frequently cited PREA compliance as a rationale for supporting the potential change. As one adult jail administrator described, "We're not set up for this. We do a disservice to youthful offenders by bringing them into this kind of environment (jail). Juvenile facilities are much better designed to handle juveniles."

**Juvenile Detention Administrators**, through group meetings, individual discussions, and anonymous surveys, discussed a mixture of opinions. In general, there was voiced support based on an expressed understanding that raising the age would be a developmentally responsible approach to managing most 17-year-olds. However, many juvenile detention administrators were concerned about the impact on detention capacity, and several described a jurisdictional change as more beneficial to adult jails and corrections than to juvenile detention centers. For example, one juvenile detention administrator stated, “Housing 17-year-olds (in juvenile detention) would assist adult corrections with (complying with) PREA.” Others offered, “It (raising the age of juvenile jurisdiction to include 17-year-olds) would provide juveniles an extended period of treatment for mental or substance abuse issues.” And another said, “I think it is important to not have youth 17-years-old mixing with adult offenders in jail. Nothing positive will come from those interactions and will even accelerate youth on the path to adult criminal behavior.” Several administrators also shared concerns about mixing 17-year-old youth with 11- and 12- year-old youth in their detention centers, but these same administrators noted that this situation already exists to a limited extent.

**Judges** expressed their opinions on the idea of raising the age of juvenile jurisdiction in individual discussions with the study team, via open commentary at professional association meetings, and through an anonymous survey administered during one of their statewide association meetings in 2015. Forty-two judges responded to the anonymous, volunteer survey. Respondents self-identified as City Court Judges (45%), District Court Judges (43%), and Juvenile/Family Court Judges (12%). Seventy-seven percent said they supported raising the age of juvenile jurisdiction to include 17-year-olds, 14% reported being opposed, and 9% selected “undecided.” Comments from judges and written statements on anonymous surveys included, “All too often 17-year-olds stand in front of me on a plea, dressed in their high school uniform, unknowingly pleading to something that will affect them for the rest of their lives – DWI, possession of marijuana, etc. They are children and should be protected through 18.” Another judge stated, “Too many 17-year-olds are in adult courts for misdemeanors and first offenses. It would be better if they were in juvenile court to keep their ‘first’ offense out of adult court and a permanent criminal history.” And other judges offered, “I agree with the literature that suggests that 17-year-olds lack sufficient development to make fully informed decisions;” “Having 17-year-olds in the juvenile justice system will allow better opportunities to provide services and support;” and “. . .resources in the juvenile justice area are more focused on rehabilitation as opposed to punishment.”

**Juvenile Justice Administrators** were also given opportunities to make comments in group and individual meetings as well as respond to information requests. In these discussions, there appeared to be general concern about the yet unknown impact of 17-year-olds on their systems, the resources required to respond to their needs, and the capacity of parts of their systems to manage these youth. Capacity was particularly a point of concern if the administrator ran a local detention or were responsible for state secure juvenile facilities. Probation capacity seemed to be less of a concern but there was voiced interest in planning for alternative education, vocational training, and substance abuse treatment offerings for this older age group. In general, most described support for raising the age based on its appropriateness under adolescent developmental considerations. All requested a planning period, should any legislation pass, to allow them to address capacity, budget, and resource concerns.

## COST-BENEFIT PROJECTIONS

A complete cost-benefit analysis requires much more data than were available during the study period. However, several general points can aid in a meaningful decision-making discussion. There are three types of costs that must be considered. The net cost to taxpayers in a shift of 17-year-olds to the juvenile system would be the difference between the new costs in the juvenile system less the costs that would have been incurred by keeping them in the adult system. In addition to general or net taxpayer costs, it is also important to consider the costs to victims and the costs to juvenile offenders in the long-term. These include the costs of additional crimes committed (e.g. victim costs), and costs to offenders (e.g. lower long-term wages, smaller income trajectories, and reduced contributions as citizens).

New costs in the juvenile system include treatment, placement, and community supervision, each with a unique price tag, but also with significantly better outcomes for 17-year-olds, as compared to adult system impacts discussed in other sections. The adult system costs include the current usage of jail and prison space, adult probation expenses, as well as the costs of the additional crimes committed by these 17-year-olds. It is important to note that it is widely accepted (and discussed in other sections) that 17-year-olds in adult systems have higher recidivism for more serious offending than 17-year-olds in juvenile systems across various national studies.

Any initial costs of including 17-year-olds in the juvenile justice system will be an investment in long-term improved outcomes, as well as long-term savings. In Louisiana, current data do not afford a full understanding of the cost of 17-year-olds in the adult system. This means approaching a shift in jurisdiction of 17-year-olds with awareness that the up-front cost will be met with a return on investment in a matter of just a few years. Connecticut began this shift starting in 2007, when it moved both 16- and 17-year-olds to the jurisdiction of the juvenile court. As reported by Connecticut officials, “This has reduced overall spending on juvenile justice in the state by \$2 million (annually).”<sup>77</sup>

Combined with reform that includes the increased utilization of community-based sanctions and treatments, like those increasingly being utilized in many states – including Louisiana – significant savings can be realized for those served in juvenile systems. The Washington State Institute for Public Policy provides research showing that effective youth programming in both facilities and communities can have a net benefit of up to \$30,000 per youth. This is a result of cost-benefit analyses looking at long-term reduction in reoffending and savings realized in system and community costs.<sup>78</sup> Programing such as Functional Family Therapy, Multi-systemic Therapy, and Aggression Replacement Training have a \$22,000 to \$34,000 per youth benefit, according to Washington State’s research. Total gross benefits are calculated to range from \$29,000 to \$48,000 per youth including both taxpayer and potential victim savings. Functional Family Therapy, for example, cost \$3,405 per youth. However, the taxpayer benefits average \$8,000 per youth, and non-taxpayer benefits (victims, offenders) average \$30,000. The net savings is nearly \$35,000 per youth. These savings are calculated based on consistently observed reductions in recidivism that result in a reduction in costs for the system to bear in prosecution and punishment, as well as victim costs borne as lost wages, injuries, and related expenses. Overall, the Washington State Institute for Public Policy analyses of juvenile programming shows that the average net benefit of using evidence-based programming in the juvenile justice system is \$14,000 per youth.

In Louisiana we have community-based programs that have been documented by other states to reduce long-term justice system costs. These include Multi-systemic Therapy, Functional Family Therapy, and Aggression Replacement Training (the first two currently funded under Louisiana Medicaid and all three utilized by Louisiana probation services to varying degrees). If Louisiana experienced the same benefits noted by the Washington State Institute for Public Policy’s research, for every \$1 spent on programming, the return on investment would be \$4.07 for Multi-systemic Therapy, \$10.42 for Functional Family Therapy, and \$20.70 for Aggression Replacement Training.<sup>79</sup> As Louisiana continues to expand its use of these programs, and similar practices, greater savings in juvenile justice will predictably be realized.

77 See National Conference of State Legislatures (2012). *Supra* note 2.

78 Washington State Institute for Public Policy (2012). *Return on Investment: Evidence-Based Options to Improve Statewide Outcomes*. Available at <http://www.wsipp.wa.gov/BenefitCost?topicId=1>.

79 See Washington State Institute for Public Policy (2012). *Supra* note 76. <http://www.wsipp.wa.gov/rptfiles/12-04-1201.pdf>.

In addition to the savings that can be estimated for victims and taxpayers, it is important to consider the literature, cited elsewhere in this report, which indicates that youth released after serving time in adult facilities will have lower initial wages and poorer long-term earning potential, compared to youth served by the juvenile justice system. Seventeen-year-olds faced with adult criminal justice involvement are more likely to experience a lifetime of reduced wages and slower wage growth. Using the analysis of how many 17-year-olds may be impacted by the jurisdictional change alongside the discussion of possible costs and benefits, a compelling argument emerges. Specifically, taking the 498 disposed 17-year-olds and assuming they will have 34% lower recidivism rates than they had in the adult system (meaning 34% fewer of them will commit new offenses), there will be savings in taxpayer costs, lower loss due to crime and the victims of crimes, gains in each of these youth's earning potential, and taxes generated. Even the most conservative estimates, place those benefits to the state in the millions. Even those that reoffend, according to the research on youth maintained in the juvenile justice system versus the adult system, will predictable be involved in less serious and less violent offenses.

In 2011, the VERA Institute of Justice performed a cost-benefit analysis in North Carolina as the state began considering plans to raise the age of juvenile jurisdiction from 16 to 18. This study concluded that the economic benefits of raising the age of juvenile jurisdiction outweighed the economic costs projected for North Carolina.<sup>80</sup> The analysis describes benefits to taxpayers, victims, and youth based on projections of lower recidivism.<sup>81</sup> See **Figure 22**.

**Figure 22: VERA Institute Costs and Benefits (in Millions) Projections of Adding 30,500 North Carolina Youth Aged 16-17 to Juvenile Jurisdiction in 2011**

Cost – Benefit	Recidivism Reduction*	
	30 Percent	40 Percent
Direct Taxpayer Costs	\$(70.90)	\$(70.90)
Direct Taxpayer Benefits	\$29.00	\$32.70
Avoided Losses to Crime Victims	\$10.80	\$14.40
Net Youth Earning Benefit**	\$77.15	\$77.15
Youth-Paid State and Local Taxes (10.9%) ***	\$10.67	\$10.08
Youth-Paid Federal Taxes (10.3%)****	\$10.08	\$10.08
Net Benefit of Raising the Age	\$66.80	\$74.10

\*VERA calculated the costs and benefits at recidivism reductions ranging from 0-40% based on broad literature review suggesting a 34% reduction in recidivism could be projected.

\*\*The salary estimate assumes high school completion but no college, 35 years in the workforce (age 20-65), and a 72 percent employment rate across 1,586 youth with no criminal record who otherwise would have one.

\*\*\*Effective state tax rate on the second income quintile (\$18,000-\$36,000) including sales tax, excise tax, property tax, and income tax.

\*\*\*\*Households with income in the second quintile (averaging \$45,600 before-tax income) paid an average of 10.3% in federal taxes (income, excise, social insurance, and corporate income tax, less refundable tax credits in 2008 and 2009).

Other options to address capacity needs for moving 17-year-olds into the juvenile justice system may have long-term cost benefits as well. Stakeholders have discussed serving youth at the younger end of the spectrum of juvenile justice, including 10-, 11-, and 12-year-olds, by better matching them to diversion programs to avoid mixing them with older youth. Diversion tends to be much less expensive as an option, produces better outcomes than those of youth formally processed, and is generally more appropriate to younger offenders. Access to accurate diversion figures or costs at the time of this report were not available to estimate impact.

80 Henrichson, C. & Levshin, V. (2011). Cost-Benefit Analysis of Raising the Age of Juvenile Jurisdiction in North Carolina. VERA Institute of Justice. Available at <http://www.vera.org/pubs/cost-benefit-analysis-raising-age-juvenile-jurisdiction-north-carolina>.

81 See Henrichson, C. & Levshin, V. (2011). *Supra* note 77.

The increased use of the Juvenile Detention Alternatives Initiative<sup>82</sup> in Louisiana would suggest that many, if not most, 17-year-olds would be screened out of detention if trends for this age group are consistent with trends already established for other adolescents arrested and facing juvenile detention in Louisiana. This is another clear cost savings. The Juvenile Detention Alternatives Initiative, and similar initiatives, have opened up bed space at several detention facilities that could be used to absorb a modest increase, if any, in detention to accommodate 17-year-olds in some areas of the state.

Regardless, the reality is that the initial investment of serving 17-year-olds in the juvenile system will be higher than that of serving them in the adult system because of the extensive, developmentally appropriate services dedicated to this age group. However, that is precisely an argument for why 17-year-olds should be served in the juvenile system – their needs are different than those that can be met in the adult system. Furthermore, dispositions are typically more expedited in the juvenile court process; and, based on sentencing structures, youth spend less time in custody compared to what may have been served in the adult system. These all translate into potential cost savings.

---

82 Juvenile Detention Alternatives Initiative, or JDAI, is a strategy to move low-risk youth from secure detention and into community-based alternatives. JDAI has been shown to promote public safety, minimize detention over-crowding, and generate tax savings/reduce costs.

# LESSONS FROM OTHER STATES

Phone interviews were conducted with individuals who helped facilitate studies and reports in four states that recently changed the upper age of juvenile jurisdiction to include 17-year-olds: Connecticut, Illinois, Massachusetts, and Mississippi. Interviewees were asked about precipitators of change, barriers to legislative changes, models of change implementation, and shifts in system culture they noticed once the change had been enacted. Common patterns emerged among states that have raised the age of juvenile jurisdiction include:

- Research on adolescent brain development has comprised the main argument for raising the age of juvenile jurisdiction.
- Collaboration, especially through the formation of multi-disciplinary coalitions, is key to generating momentum and ensuring successful implementation.
- Despite concerns that moving 17-year-olds to the juvenile justice system would place an unsustainable burden on the system, these states effectively managed the increase or realized much less increase than originally projected by preliminary studies. In fact, the more common experience has been continued drop in juvenile arrests, detention, and placement.

## CONNECTICUT

Prior to 2007, Connecticut placed all 16- and 17-year-olds under adult jurisdiction. Led by juvenile advocates and members of the public sector, the Raise the Age (RTA) campaign enacted significant juvenile justice reforms. **Raising the age of juvenile jurisdiction has led to a reported \$2 million savings in the annual state budget – noting that this happened with the higher predictable juvenile justice system costs as compared to adult correctional costs.**

As part of these reforms, the state reduced its over-reliance on confinement. From 2006 to 2011, **the average daily population in pretrial detention centers decreased by nearly 30%, and the under-18 population in the state's adult prisons dropped from 403 in 2007 to 151 in 2012.** Instead of placing youth in detention centers or jails, Connecticut provided non-residential, community-based programs and services.

Connecticut additionally reformed how it addressed status offenders. **Youth convicted of status offenses (e.g. truancy, running away, alcohol possession) are no longer sent to juvenile detention centers, but are instead sent to Family Support Centers that provide community-based services.**

Connecticut identified several keys to its successful RTA campaign. One of the primary drivers for success was the formation of the Connecticut Juvenile Justice Alliance, an umbrella organization that provided capacity-building, dedicated staff, data analysis, and policy development for the RTA effort. Additionally, the two agencies responsible for most of the state's juvenile services – the Court Support Services Division of the Judicial Branch and the Department of Children and Families – committed to incorporating evidence-based approaches into their reform efforts. The state also conducted a comprehensive, statewide strategic planning process that included input from local communities, state officials, philanthropies, and academia.

## ILLINOIS

In Illinois, the impetus for the RTA effort came largely from advocacy groups, with some support from the MacArthur Foundation and other nonprofit organizations. Juvenile justice practitioners across **the state recognized that their state's juvenile jurisdiction did not align with the body of research about adolescent brain development or Supreme Court rulings on juvenile justice (e.g. Miller v. Alabama and Graham v. Florida).**

As with many of the states that have recently implemented RTA, there was concern that Illinois' existing juvenile justice system could not accommodate an influx of new youth into its facilities and services. To address this concern, although now strongly recommended against by Illinois officials, the state enacted the law in two phases. The first phase occurred in 2010, the year the law went into effect, and required that all 17-year-olds convicted of misdemeanor crimes be placed to the juvenile system. In 2014 the second phase commenced, which placed all 17-year-olds convicted of felony crimes in the juvenile system.

The organizational culture within the state's justice system changed as these systems had to adapt to addressing the needs of these adolescents. The RTA effort incorporated adequate time for planning prior to implementation to address ambiguity concerns (e.g. should some felony cases be reduced to misdemeanor cases?). The effort also attempted to address concerns about the juvenile system's capacity to manage and address the educational needs of these older adolescents. **There was concern that existing resources and staff would not be adequate to accommodate this new influx of youth, although in retrospect, no large increase in numbers was realized.** The impact was much lower than projected.

## MASSACHUSETTS

In Massachusetts, the RTA legislation went into effect in September of 2013. As one of the policy changes, the state implemented an alternative to the lock-up at arrest admissions process. This places 17-year-olds in an alternative holding program while they await arraignment. Prior to this policy change, 17-year-olds were held with adult populations while awaiting their court dates. Through this program, 17-year-olds are reported to be held more safely until the next available juvenile hearing date.

The **Massachusetts Department of Youth Services' acknowledges that raising the age of juvenile jurisdiction and the related revised policies and standards have been helpful.** They specifically **report offering these older youth increased opportunities for educational and vocational development; community resources such as housing support and behavioral healthcare; and the ability to enter adulthood without a criminal record.** One challenge reported was engaging these 17-year-olds as they approach 18. Some of these youth appear to be less fully invested as they know they will age out of youth programming. However, engagement issues observed as youth approach aging out of the system are also not new.

## MISSISSIPPI

In 2010, Mississippi became the 39th state to raise the age of juvenile jurisdiction. The effort was reported to have faced several challenges, even from juvenile justice supporters and advocates. Many state and government officials were described as fearing that the juvenile system could not handle the projected increase from 17-year-olds being sent to youth services. They reported a belief that the increase of additional adolescents would deteriorate an already resource-strained juvenile justice system and would place younger children in facilities at risk for physical violence.

Officials reported implementing Mississippi's jurisdictional change with the understanding that juvenile justice resources were already strained but with the commitment to providing the best quality care for these adolescents. The overall intent of the RTA effort was reported to both move youth from the adult system to the juvenile system and to prevent them from entering the justice system at all. RTA effort leaders recounted addressing these concerns through a comprehensive strategy. This strategy included litigation, policy recommendations, news reports, and coalition formation. Litigation included multiple lawsuits against the Mississippi adult correctional facilities regarding injustices alleged within the facilities.

Also noting the potential safety concerns stemming from younger children being housed with 16- and 17-year-olds, the Mississippi RTA advocates reviewed daily facility rosters to determine the age of youth housed in these facilities. The majority of youth were found to be 14- to 16-years-old, so Mississippi stakeholders concluded that there was minimal risk that younger children would be attacked or assaulted by 17-year-olds. Additionally, groups supportive of the RTA efforts in Mississippi performed analyses to determine if it was it safer to house 17-year-olds in 1,000-bed facilities with minimal staff or in heavily-staffed, highly-structured juvenile facilities. This **retrospective analysis indicated that raising the age of juvenile jurisdiction, to include 17-year-olds, has not caused spikes in either juvenile facility populations or violence observed within these facilities.**

# CONCLUSIONS & RECOMMENDATIONS

Findings of this study suggest **raising the age of juvenile jurisdiction to include 17-year-olds in Louisiana would be consistent with legal trends and a growing body of research on adolescent development and behavior** and is likely to:

- improve the consistent handling of juvenile matters;
- provide continuity for law enforcement in arrest and jailing situations (particularly in regard to PREA);
- improve public safety; and
- lower the long-term costs compared to addressing these same youth in the adult criminal justice system.

Furthermore, three general conclusions can be reasoned. First, there is a growing consensus across justice system disciplines, including our Louisiana professionals, that 17-year-olds are developmentally different than adults and should be treated as such. In fact, the findings in this report suggest Louisiana's 17-year-old offenders are very similar to our 16-year-old offenders on objective measures of violence risk, delinquency risk, and areas of need. Second, the reforms in Louisiana's juvenile justice system have afforded an opportunity in its capacity to accept, manage, and rehabilitate these youth in a manner that will predictably generate better outcomes than the adult system. And third, initial impact projections for Louisiana are generally lower than states that also generated projections and have recently raised their age of juvenile jurisdiction. Those states found that the impact on the system was less adverse than first predicted. As noted in the report, states have also realized cost savings. We have reason to suspect this will be the same for Louisiana.

## PRIMARY RECOMMENDATION

Crime by youthful offenders continues to trouble Louisiana communities but at reduced rates according to arrest trends over the last decade. This reduction in juvenile crime, accompanied with several reforms in the justice system, have created a smaller and more resilient juvenile justice system. Appropriately resourced, Louisiana should be able to absorb the impact of raising the age of juvenile jurisdiction while increasing public safety. Thus,

***IT IS RECOMMENDED THAT LOUISIANA STRONGLY CONSIDER RAISING THE AGE OF JUVENILE JURISDICTION FOR THE MULTIPLE REASONS DETAILED IN THIS REPORT.***

***FURTHERMORE, IT IS RECOMMENDED THAT A ONE-YEAR PLANNING PERIOD BE AFFORDED TO TRANSITION SYSTEMS TO BE PREPARED TO RECEIVE THESE YOUTH AND MANAGE THEM ACCORDING TO JUVENILE SYSTEM'S LAWS, POLICIES, AND PROCEDURES.***

## IMPLEMENTATION

In regards to implementation, the following practices should be considered to ease transition, promote clarity, and ensure system integrity during the jurisdictional change.

1. A one-year planning period should commence immediately after passage of legislation raising the age of juvenile jurisdiction to assist justice agencies planning for processing, managing, and, when necessary, housing youth under the age of 18 in juvenile facilities, not adult jails or lockups, whenever possible.
2. State and local workgroups should be created to resolve technical and procedural issues including:
  - a. Identifying discipline-specific training needs (e.g. law enforcement, prosecution, defense, courts, detention, and probation).
  - b. Assisting detention centers with providing safe, developmentally appropriate care and supervision of adolescents, including the possibility of raising the minimum age of juvenile detention from 10 to 13 and developing appropriate placement alternatives for children under 13.
  - c. Reviewing aggregate screening and assessment information to analyze system performance and youth outcomes in order to inform local and state juvenile justice planning and resource allocation.
3. Identifying opportunities to harness federal, state, and local funds to support evidence-based, effective programming for older youth in community settings, further developing alternatives to detention, and continuing to develop processes to focus incarceration and re-entry resources on the highest-risk youth.

## SUPPLEMENTAL RECOMMENDATION

To respond to the many changes in scientific, legal, and regulatory environments, Louisiana should take the opportunity to create its next comprehensive five-year strategic plan for juvenile justice, including the transition of 17-year-olds. This plan should focus on the use of the latest evidence-based practices and the development of a comprehensive data infrastructure to inform policy, practice, and decision making at all stages in the juvenile justice system, including:

- law enforcement contact, arrest, and diversion decisions;
- community-based prevention and intervention services;
- detention use and detention alternatives;
- facility-based services;
- commitment and sentencing decisions;
- community-based supervision strategies (e.g. probation and parole);
- aftercare and reentry services and strategies.

# APPENDIX A

## Local Juvenile Probation Data Summaries

In Louisiana, there are five parishes that operate local juvenile probation services (Caddo, Calcasieu, East Baton Rouge, Jefferson, and Rapides parishes) independent of the Louisiana Office of Juvenile Justice. Local juvenile probation data were requested from each of these jurisdictions and data from the responding parishes are summarized below.

It is important to note that each local juvenile probation department in Louisiana tracks data in somewhat different ways. Some of these parishes have more internal data capacities and resources to compile and report data than others.

### Calcasieu Parish

#### General Findings

- Calcasieu Parish data include combined totals of youth on probation *for delinquency, Informal Adjustment Agreements, and FINS*.
- Calcasieu Parish indicated there were approximately 113 total youth who were 17-years-old and 85 total 16-year-old youth who were on local juvenile probation for at least some period during CY 2014.
- Calcasieu officials indicated that they seldom transfer cases to the adult system (perhaps as few as three in the past 10 years).

#### Caseload Sizes for Juvenile Probation in Calcasieu Parish

- In CY 2014, Calcasieu Parish juvenile probation caseloads ranged from a low of 28 cases to a high of 41 cases per probation officer.
- Per local policy, caseloads are divided by SAVRY risk levels. The maximum allowable or recommended juvenile probation caseloads are 15 high risk, 25 medium risk, or 45 low risk.

#### Lengths of Time on Local Juvenile Probation in Calcasieu Parish During CY 2014

- Most frequent terms (i.e. sentence) are “not to exceed 18th birthday and 12 month terms.
- Delinquency cases were on juvenile probation an average of 14 months and FINS cases an average of 27 months.
- Drug court cases were on juvenile probation for an average of 25 months.
- Mental health cases were on juvenile probation for an average of 12 months.
- Sex offense cases were on juvenile probation for an average of 30 months.

#### Minimum Contact Requirements for Juvenile Probation Cases in Calcasieu Parish

- Overall, during CY 2014, juvenile probationers who were 17 for at least a period of time, received an average of 1.3 contacts per month, but actual contact levels (for all ages) are based on the SAVRY risk assessment and type of offense.

### **Minimum Contact Requirements in Calcasieu Parish per SAVRY Risk Levels**

- Level I (low to moderate risk) – Minimum of one face-to-face contact per month with 25% of all contacts/visits during CY conducted in the home/residence.
- Level II (Moderate) – Minimum of two contacts per month of which one must be face-to-face. 50% of all face-to-face contacts must be in the home/residence.
- Level III (High) – Minimum of four contacts per month. At least two must be face-to-face, with at least one face-to-face contact in the home/residence.
- Unsupervised (lowest risk cases, generally do not reoffend) – Monthly contact not required, left to officer’s discretion. One contact every 90 days.
- Contact requirements for juveniles adjudicated for sex offenses are more stringent.

### **Most Serious Adjudicated Offense for Youth on Local Juvenile Probation in Calcasieu Parish**

- Over half of the 16- and 17-year olds on local probation in Calcasieu Parish during CY 2014 were on probation for a felony (i.e., 54% of 16-year-olds and 57% of 17-year-olds).
- Approximately 39 youth who were 16-years-old at some point during their probation period were on probation for a felony adjudication.
- Approximately 33 youth who were 16-years-old at some point during their probation period were on probation for a misdemeanor adjudication.
- Approximately 59 youth who were 17-years-old at some point during their probation period were on probation for a felony adjudication.
- Approximately 45 youth who were 17-years-old at some point during their probation period were on probation for a misdemeanor adjudication.

### **Risk and Needs Assessment Data (SAVRY)**

- In CY 2014, Calcasieu Parish did not administer the SAVRY on 17-year-olds, though they do now.

### **Recidivism/Completion of Local Juvenile Probation**

- Calcasieu provided data that indicate a small percentage of the 17-year-olds supervised during CY 2014 were released “unsatisfactorily” from juvenile probation “due to adult charges pending.”

### **Use of Juvenile Detention for 17-year-olds on Local Juvenile Probation in Calcasieu Parish**

- During CY 2014, three 17-year-olds who were on local juvenile probation were booked into juvenile detention with an average length of stay of just over 15 days.

## East Baton Rouge Parish

### **General Findings for East Baton Rouge Parish Local Juvenile Probation**

- Approximately 79 youth on juvenile probation for a delinquent act and who were 16-years-old at some point during CY 2014.
- Approximately 28 youth on juvenile probation for a delinquent act and who were 17-years-old at some point during CY 2014.
- Approximately 33 youth on FINS probation and who were 16-years-old at some point during CY 2014.
- Approximately 4 youth on FINS probation and who were 17-years-old at some point during CY 2014.
- At any one time during CY 2014, approximately 268 total youth of all ages (10-17) on juvenile probation.

### **Caseload sizes for Juvenile Probation in East Baton Rouge Parish**

- Overall average caseload was 34 delinquency cases per regular probation officer and 16 FINS cases per FINS probation officer in East Baton Rouge Parish during CY 2014.
- East Baton Rouge Parish does not set a maximum caseload number but noted increased numbers can decrease quality of supervision.

### **Lengths of Time on Local Juvenile Probation in East Baton Rouge Parish**

- Average length of juvenile probation supervision for 17-year-olds was six months for delinquency and six months for FINS during CY 2014.

### **Minimum Contact Requirements for Juvenile Probation Cases in East Baton Rouge Parish**

The SAVRY risk assessment tool determines risk levels.

- Low risk youth are seen a minimum of once a month, plus a minimum of one collateral contact per month, and a minimum of one parent contact per month.
- Medium/Moderate risk youth are seen a minimum of two times per month, a minimum of one collateral contact per month, and a minimum of one parent contact per month.
- High risk youth are seen a minimum of four times per month, a minimum of two collateral contacts per month, and a minimum of one parent contact per month.

### **Most Serious Adjudicated Offense types for Youth on Local Probation in East Baton Rouge Parish**

- Most serious adjudicated offense data were not available from East Baton Rouge Parish at the time of this report.

### **Risk and Needs Assessment Data (SAVRY) for East Baton Rouge Parish**

- East Baton Rouge maintains SAVRY data.

### **Recidivism/Completion of Local Juvenile Probation in East Baton Rouge Parish**

- Recidivism data were not available from East Baton Rouge Parish at the time of this report.

### **Services in East Baton Rouge Parish**

- East Baton Rouge indicated that 17-year-olds on local juvenile probation receive the same services as those offered to other youth on probation.

### **Use of Detention for 17-year-olds in East Baton Rouge Parish**

- There were 59 youth who were 17-years-old and were detained in the EBR juvenile detention center during CY 2014 (this includes all 17-year-old youth who were detained during that year, not just youth who were on probation during that period).
- The average length of stay for these 17-year-old youth was just over 18 days.

## Jefferson Parish

### General Findings for Jefferson Parish Local Juvenile Probation

- Approximately 81 youth who were on juvenile probation for a delinquent act and who were 16-years-old at some point during CY 2014.
- Approximately 58 youth who were on juvenile probation for a delinquent act and who were 17-years-old at some point during CY 2014.
- Approximately 37 youth who were on FINS probation and who were 16-years-old at some point during CY 2014.
- Approximately 26 youth who were on FINS probation and who were 17-years-old at some point in CY 2014.
- At any one time during CY 2014, Jefferson Parish averaged approximately 329 total youth of all ages (10-17) on juvenile probation.

### Caseload sizes for Juvenile Probation in Jefferson Parish

- Juvenile probation caseloads ranged from a low of 10 cases to a high of 20 cases.
- Maximum caseload of 20 is recommended in Jefferson Parish.

### Lengths of Time on Local Juvenile Probation in Jefferson Parish

- Average length of juvenile probation supervision for 17-year-olds was 12 months for delinquency and 18 months for FINS during CY 2014.

### Minimum Contact Requirements for Juvenile Probation Cases in Jefferson Parish

The SAVRY risk assessment tool determines risk levels in Jefferson Parish.

- Low risk youth are seen a minimum of once per month.
- Moderate risk youth are seen a minimum of two times per month.
- High risk youth are seen a minimum of four times per month.

### Most Serious Adjudicated Offense Types for Youth on Local Juvenile Probation in Jefferson Parish

- Over 40% of 16- and 17-year-old youth were on juvenile probation in Jefferson Parish during CY 2014 for a felony offense (43% for both age groups).
- 71 youth who were 16-years-old at some point during CY 2014 were on probation for felonies.
- 94 youth who were 16-years-old at some point during CY 2014 were on probation for misdemeanors.
- 51 youth who were 17-years-old at some point during CY 2014 were on probation for felonies.
- 67 youth who were 17-years-old at some point during CY 2014 were on probation for misdemeanors.

### Risk and Needs Assessment Data (SAVRY) for Jefferson Parish

Data reflect best estimate based on the number of 17-year-olds in the 2014 probation census (delinquency cases only) who received SAVRY assessments.

- High risk: 35 youth
- Moderate risk: 74 youth
- Low risk : 45 youth

### Recidivism/Completion of local juvenile probation in Jefferson Parish

- Recidivism data for all youth (not just 17-year-olds) 24 months after successful probation completion in Jefferson Parish, based on an adjudication for a new delinquent offense are:
  - 2009: 17%
  - 2010: 29%
  - 2011: 17%

- Local recidivism indicators/measures include re-arrest, charge accepted, and adjudicated delinquent (of new charges, post-successful completion).
- The Jefferson Parish Department of Juvenile Services estimates that about 70% of youth (all ages) with dispositions to local probation end up successfully completing their probation terms. The roughly 30% who do not “successfully complete” involve multiple closure reasons including revocations, transfers to adult court, transfers out of the parish, unable to benefit further from probation services, and aging out of the juvenile system.

### Services in Jefferson Parish

- Categories of services begin with the use of “objective screening and assessment instruments along with semi-structured interviews to identify needs and strengths.”
- Jefferson Parish offers a wide range of services with categories including mentoring, tutoring, job placement training, individual/family therapy, group therapy, substance abuse therapy, sexual perpetrator therapy, and other services that are generally not available to youth on adult probation/parole.
- Jefferson Parish provided an extensive list of services reported to be evidence-based and available to 17-year-olds, as well as other youth on local juvenile probation. Specific services provided to specific youth depend on identified needs. The reported research-supported services include:
  - Aggression Replacement Training (ART),
  - Functional Family Therapy (FFT),
  - Moral Reconciliation Therapy (MRT),
  - Multi-Systemic Therapy (MST),
  - Cognitive-Behavioral Therapy (CBT),
  - Dialectic Behavior Therapy (DBT),
  - Motivational Interviewing (MI),
  - Boys Town In-Home Family Services,
  - Trauma-Focused Cognitive Behavioral Therapy (TF-CBT),
  - Positive Parenting Program (Triple-P), and
  - Family Systems Therapy.

### Use of Juvenile Detention for 17-year olds on Local Probation in Jefferson Parish

- There were 90 detention admissions of 17-year-olds who were on local juvenile probation during CY 2014 with an average length of stay of 12 days.

### Jefferson Parish Self-Generated Impact Assessment of Raising the Age of Juvenile Jurisdiction to Include 17-year-olds at Rivarde Juvenile Detention Center

Data estimations taken from 2014 Annual Detention Statistics

737 arrest incidents of 17-year-olds were reported in Jefferson Parish for 2014

Going by the most serious charge at the time of arrest:

- 607 New Delinquent
  - 436 Misdemeanor
  - 171 Felony
- 113 Contempt of Court
- 7 Delinquency Re-bookings
- 6 Status
- 4 Traffic

Detention Assessment Instrument (DAI) Scores for 607 New Delinquent

High: 30 ALOS = 22 Days  
 Medium: 88 ALOS = 8 Days  
 Low 489

Low DAI Score Policy Holds for Detention

Firearms: 13 ALOS = 31 Days  
 Fugitives: 45 ALOS = 7 Days  
 Code 6: 32 ALOS = 12 Days  
 399 Low DAI Scores eligible for release

Low DAI Score Administrative Overrides for Detention

ESTIMATION based on below Q3 2015 Detention Admissions:

- 205 new delinquent arrests eligible for release
- 66, or 32% held on an Administrative Override

Approximately 128 (32%) of Low DAI scores eligible for release would be detained on an Administrative Override. ALOS = 4 Days

Jefferson Parish Detention Estimation for 607 new delinquent arrest incidents (misdemeanor and felony):  
 336 (55%) detained with 2,978 detention days

Contempt of Court Detention Admissions

ESTIMATE based on:

- Number of contempt arrests for adult court violations for 17-year-olds: 113
- Percentage of contempt detention admissions in 2014

Detention admissions for 17-year-olds for contempt could be as low as 113 and as high as 206.

ALOS = 10 Days.

Estimation:

- Approximately 160 admissions to Jefferson Parish juvenile detention for contempt with 1,600 detention days

Jefferson Parish Impact Projections Based on 2014 Detention Data

	2014 Actual	2014 with 17-Year-Olds*	Impact
Estimates	56	23%	20%
Admissions	1,168	1,664*	(496) 42%* in-crease
Detention Days	11,713 Days	16,291 Days*	(4578) 39%* in-crease
Average Length of Stay	10 Days	10 Days*	None*
Average Daily Population	32	45*	(13) 41%* in-crease

## Rapides Parish

### **General preliminary findings for Rapides Parish local juvenile probation include:**

- During CY 2014, the total number of youth of all ages who were supervised on juvenile probation in Rapides Parish reached 50 cases.
- There were 9 youth on juvenile probation in Rapides Parish for a delinquent act who were 16-years-old at some point during CY 2014.
- There were 2 youth on juvenile probation in Rapides Parish for a delinquent act who were 17-years-old at some point during CY 2014.
- There were 4 youth on FINS probation who were 16-years-old at some point during CY 2014.
- There were no youth on FINS probation who were 17-years-old at some point during CY 2014.

### **Caseloads for juvenile probation in Rapides Parish**

- Juvenile probation caseloads in Rapides Parish ranged from 20 to 25 cases per probation officer with delinquency/FINS cases estimated to be about a 50/50 split.
- A maximum of 25 cases per officer is recommended (Rapides Parish has a total of three juvenile probation officers).

### **Lengths of time on local juvenile probation in Rapides Parish**

- Average length of juvenile probation supervision for 17-year-olds is generally the same as for other youth on probation and does not exceed two years.

### **Minimum contact requirements for juvenile probation cases in Rapides Parish**

- Local juvenile probation contact frequencies are determined by probation officers.

### **Most serious adjudicated offense types for youth on local probation in Rapides Parish**

- 7 youth who were 16-years-old at some point during CY 2014 were on probation for felony offenses.
- 2 youth who were 16-years-old at some point during CY 2014 were on probation for misdemeanor offenses.
- 2 youth who were 17-years-old at some point during CY 2014 were on probation for felony or misdemeanor offenses (one each).

### **Risk and Needs Assessment data (SAVRY) for Rapides Parish**

- Rapides Parish has implemented the SAVRY; however, the numbers of 16- and 17-year-olds on probation are too small to provide generalizable findings.

### **Recidivism/Completion of local juvenile probation in Rapides Parish**

- The numbers of youth who were 17-years-old for at least some period of their juvenile probation in Rapides Parish are too small to produce meaningful recidivism indicators.

### **Services in Rapides Parish**

- Youth on juvenile probation at any age in Rapides Parish generally receive the same types of services, including counseling.
- Youth who present with substance abuse issues may be eligible for juvenile drug court.

### **Use of juvenile detention for 17-year-olds on local probation in Rapides Parish**

- Rapides Parish officials indicated that neither of the two 17-year-olds who were on juvenile probation during CY 2014 spent any time in juvenile detention.

# APPENDIX B

## Supplemental Louisiana Office of Juvenile Justice Data Summaries

### Projected Capacities for 2016

OJJ provided the following information on current system capacities – it is important to keep in mind that these capacities relate to youth of all ages, not just a 17-year-old subgroup.

Secure care capacity for boys total is projected to be 325 in 2016. This includes:

- Swanson Center for Youth, Monroe = 100 (projected 2016 capacity)
- Swanson Center for Youth, Columbia = 48 (projected 2016 capacity)
- Bridge City Center for Youth, New Orleans = 105 (projected 2016 capacity)
- Acadiana Center for Youth, Bunkie = 72 (projected 2016 capacity)
- Secure care (intensive residential treatment) for girls is provided at the privately contracted Ware facility in Coushatta and operates at 24 bed capacity.
- Non-secure custody capacity is estimated at 300-325, based on average daily population.

### OJJ Average Daily Census (Population) Data

OJJ has been operating at or near capacity in its secure facilities for boys for at least the last two calendar years. This trend has continued through the most recent 12 months, as illustrated in Table A. The contract residential treatment facility for girls at Ware serves a maximum of 24 girls and, as shown, during October and November of 2015, that center was operating at or near capacity.

Daily Population - OJJ Secure Custody (most recent 12 months)

Daily Population													
		Male Facility									Female Contract Facility		
		Bridge City			Swanson			Columbia			Ware		
Day of Month		1st	10th	20th	1st	10th	20th	1st	10th	20th	1st	10th	20th
2015	Nov	133	134	135	153	152	153	47	46	47	24	23	23
	Oct	135	135	132	149	150	150	47	48	47	22	24	24
	Sept	135	132	136	150	152	149	48	48	48	17	18	20
	Aug	137	133	130	153	153	148	47	48	48	18	18	18
	July	136	136	135	152	153	155	47	47	48	11	14	15
	June	136	135	134	153	153	154	46	46	47	10	11	11
	May	136	136	136	152	152	154	46	46	46	15	15	10
	April	135	135	136	156	156	154	44	44	44	17	18	18
	March	134	135	135	156	155	151	44	43	44	17	17	18
	Feb	135	134	135	153	154	156	44	44	44	15	15	18
	Jan	135	134	134	151	154	155	44	44	44	18	18	20
2014	Dec	134	134	131	155	153	152	44	43	44	17	18	17

### **Non-Secure Custody & Community Supervision Utilization**

- The following briefly summarizes utilization related to non-secure residential placement capacities and OJJ parole/probation/community supervision capacities.
- Recent snapshot data for November 1st, 2015 indicate:
  - 284 youth in non-secure residential placements,
  - 2,190 youth on probation (community supervision), and
  - 147 youth on parole (community supervision).
- OJJ reports trying to maintain a maximum probation/parole supervision caseload of no more than 25 youth per officer.

Sources:

Office of Juvenile Justice. Stored Process:Daily Census; Exact Daily Census. December 21, 2015.

OJJ unduplicated census data. National Center for Juvenile Justice. Models for Change Vital Signs Data Summary Update, 2014: Louisiana. May 2014.

Louisiana Office of Juvenile Justice. Demographic Profiles of the Secure Youth Population as of November 01, 2015.

**LSU Health**  
**NEW ORLEANS**  
Institute for Public Health and Justice

**LSU Health**  
**NEW ORLEANS**  
**Institute for Public Health and Justice**

2020 Gravier Street, 3rd Floor  
New Orleans, LA, 70112  
504.568.5953  
[sph.lsuhsu.edu/iphj](http://sph.lsuhsu.edu/iphj)