

Louisiana
DMC
Update

March 14

2019

Louisiana Commission on Law Enforcement



Introduction

Disproportionate Minority Contact (DMC) exists if the rate of the contact with the juvenile justice system for a specific minority group is significantly different than the rate of contact for non-Hispanic whites or other minority groups. Pursuant to the Juvenile Justice and Delinquency Prevention Act (JJDP) at 42 U.S.C. 5633 (a)(22), states and territories must “ address youth delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system”.

OJJDP’s five- phase DMC Reduction model helps states determine whether disproportionality exists within a jurisdiction, and provides a step- by- step model to guide the DMC reduction efforts. Louisiana utilizes the recommended DMC Reduction cycle; addressing DMC continually with the following: identification (identifying the extent to which DMC exists), assessment (examining and determining the factors that contribute to DMC), interventions (developing and implementing strategies to reduce DMC), evaluation (evaluating the efficacy of implemented strategies), and monitoring (tracking DMC trends over time).

DMC Data Collection:

Louisiana has put significant resources into increasing and improving the data collection systems, as discussed in the three-year plan (2015-2017). One of the most successful projects was the funding of two major statewide projects, Louisiana Supreme Court and Louisiana District Attorney’s Association. The other successful endeavor was the funding of a full-time Juvenile Detention Alternative Initiative (JDAI)/ Disproportionate Minority Contact (DMC) Coordinator.

Although data participation has increased since 2012, there still remain some challenges for the state. Louisiana does not have a statewide data system for aggregating juvenile information. Some jurisdictions refuse to participate in statewide data collection. Because of the lack of use of technology in some jurisdictions, there is some question of the quality of data collected. The collection of comprehensive arrest data remains challenging for the state. The Louisiana Commission on Law Enforcement (LCLE) does not have data analysts, and some issues require the correct interpretation of data specifics; however, LCLE does collect data from those jurisdictions identified as Juvenile Detention Alternative Initiative (JDAI) sites. In order to insure quality data and complete participation statewide, Louisiana is still working towards this goal.

The implementation of data collection from the Supreme Court and the District Attorney’s Association were only piloted in a small number of jurisdictions to include the juvenile and adult courts. The Louisiana Supreme Court has been receiving juvenile DMC data from six pilot courts. In summary, the Supreme Court needs a full calendar year of data to enable automatic reporting to LCLE; however, two barriers remain. The district/city courts use their adult case management systems for juvenile cases as well. Therefore, it is optional if the juvenile data will be exported. As for the District Attorney’s Association, they were able to start data collection

from four jurisdictions. Due to some IT technicalities, their goal of eight pilot jurisdictions was unable to be reached. Efforts to continue the project to other jurisdictions are currently underway.

The projects mentioned are monumental for Louisiana. Louisiana has not had a comprehensive way of analyzing disparities or even common practices involving youth in the system. This will allow the Louisiana juvenile justice system to take an in depth look at the youth that are being referred to the courts, as well as those who are being charged and/or diverted.

Identification

The purpose of the identification phase of a state's DMC effort is to determine whether disproportionality exists and to what extent, if disproportionality exists. OJJDP requires states to collect, analyze, and enter the data statewide and for at least three local jurisdictions, approved by OJJDP every three years. This year, Louisiana collected and analyzed data from three of the five focus parishes. Louisiana's 2016 youth population for ages 0-16 is 1,045,524. The three focus parishes are some of the largest populated parishes in the state and vary in racial breakdown of the youth population. The three focus parishes include: Calcasieu, Jefferson, and Orleans, with a combined juvenile population of 213,381.

Louisiana's juvenile justice system generally fits the OJJDP points of contact model. Louisiana's juvenile justice system is parish-based and state monitored at some contact points, encompassing sixty-four local juvenile justice systems. The focus parishes have their own databases along with being "specialty" juvenile courts for the state. The juvenile court has jurisdiction over any juvenile from ages 10-16 alleged to have violated any state or federal criminal law. Youth aged seventeen are under the original jurisdiction of the adult court for criminal offenses. Juveniles under the age of ten who commit a delinquent act are not subject to delinquency proceedings, but are considered juveniles in need of supervision through the Department of Children and Family Services (DCFS) or Family in Need of Services (FINS). It should also be noted that Louisiana uses a duplicated count in its compilation of data. The reported data reflect the actual number of system contacts.

Statewide DMC Overview

Referral to Court: Louisiana has struggled with obtaining juvenile arrest data in the format acceptable for DMC purposes; Louisiana has used this contact as a measurement of arrest. In reviewing and analyzing data, disparities are still significant at this contact point.

Diversion: Diversion programs continue to be a focus in Louisiana as a way of addressing DMC. Diversion programs are operated through each local District Attorney's Office. In some of the focus parishes, there are disparities for white youth. More youth of color youth were diverted, and in some parishes almost twice as many; however, some parishes have deliberately diverted more black youth, in which the disparities in secure detention and confinement are significant. One key example of this is Jefferson Parish.

Secure Detention: Louisiana has historically had overrepresentation of youth of color, primarily in secure detention. The focus parishes are the JDAI Pilot Sites and adhere to all eight core strategies: collaboration, use of valid data, objective admissions criteria, alternatives to detention, case processing/expediting, reducing the use of unnecessary detention, eliminating racial and ethnic disparities, and improving conditions of confinement. Since the inception of JDAI in 2006 in Louisiana, the five pilot sites have reduced detention admission by approximately forty percent.

Petitioned to Court: In some Louisiana jurisdictions, youth may or may not be petitioned prior to being diverted. In some parishes, multiple petitions are filed for each charge per youth, resulting in high numbers of petitions.

Probation: The focus parishes with the exception of Orleans, all have their own probation supervision departments. In Orleans, the Louisiana Office of Juvenile Justice supervises youth on probation. All youth placed on probation are supervised by local probation, unless a revocation occurs or a motion is filed to then place the youth on state-level supervision.

Corrections: Youth in Louisiana who are committed to secure confinement are in the custody of the Louisiana Office of Juvenile Justice (OJJ). OJJ has two secure facilities for males and one secure unit for females. All OJJ facilities have embraced a therapeutic model; the secure facilities have been reduced in the usage of the facility space and reduction in population. Louisiana has worked hard at reducing its custody population both on the front end through JDAI efforts, overall criminal justice reform, and on the deep end. In addition to the five JDAI sites, Louisiana has one JDAI Deep End site (Jefferson) which focuses on reform after adjudication.

Calcasieu Parish

Calcasieu Parish has a total youth population of approximately 47,221. Of the 47,221, there are 29,597 white youth, 14,550 black youth, and 3,074 other youth in the parish. In comparison to the other focus parishes, this is a small minority population. Despite the other focus parishes, Calcasieu's minority population is not significant, and minority youth are over-represented at almost every contact point. Juvenile crime in this parish is typically property crimes and minor crimes of persons; however violent crimes are unusual in this Parish.

Referral to Juvenile Court: Youth of color in Calcasieu Parish were referred to juvenile court at rates three times higher than that of white youth. In a three year period, the lowest rate was in 2013 at 2.86 and although the rate in 2015 increased to 3.84 the volume of youth referred to court dramatically decreased from 624 to 458 which is a 27% decrease. This may be attributed to more concentrated work with law enforcement by the local juvenile justice department. The juvenile justice department increased their promotion of the Multi-Agency Resource Center (MARC), the Parish's assessment center, to both law enforcement and the public. Therefore, fewer youth were referred formally to the juvenile justice system by law enforcement.

Diversion: Diversion over the past years has consistently declined. This is due to several reasons: one of which was the election of a new Judge and an Assistant District Attorney. Policies and practices changed significantly in 2013. While the Parish tends to divert more youth of color than white youth every year, the numbers remains consistent. In 2016, there were a total of 165 youth diverted; seventy-six white and eighty-five black.

Secure Detention: Secure Detention remains disproportionate with youth of color. Over years 2013-2015, the highest RRI was in 2013 at 2.45; however, in 2016 it declined to 1.58. Although significant efforts have been made in the parish to reduce the unnecessary use of detention, the use of an objective screening instrument was suspended by the new judiciary. In 2016 admissions to detention increased, length of stay in detention increased, and youth of color in detention increased.

Petitions and Adjudications: While diversion numbers were decreasing, petitions to court and adjudications increased. Between years 2013 and 2015, petitions to court almost doubled. In 2015, there were 663 and in 2016, 727. While petitions increased, so did adjudications. There is no clear reasoning for the increases; however, there were changes in administration, local judiciary, the Public Defender's Office, and the District Attorney's Office.

Probation Placement: Probation supervision is administered through the parish's local juvenile justice department. This contact point's RRI for 2016 is 0.98. In terms of volume, there were 230 black youth placed on probation and 118 white youth placed on probation.

Corrections and Transfers: Calcasieu Parish has historically had low numbers for both secure custody youth and transfer youth. The RRIs for this contact point were not able to be measured due to insufficient number of cases for analysis. The actual numbers of Secure Confinement for this parish for year 2016 was fourteen. Seven of the fourteen youth were white and four were black. There was only one transfer to adult court in 2016.

Jefferson Parish

Jefferson Parish is the second most populated parish with juvenile in Louisiana. Jefferson Parish has a total youth population of approximately 91,059. This parish also has the largest Asian juvenile population of the entire state. The racial breakdown for the juvenile population is: 30,735 black, 38,663 white, and 21,661 other. While the black youth population is lower, they are overrepresented at every contact point for this Parish. The highest at 3.14 in juvenile arrests. Violent crime for juveniles in this parish is typically low and most offenses committed by young people are property related.

Referrals to Court: In Jefferson Parish, referral to court remains relatively steady. 2015 revealed a nineteen percent increase from 2014 in this contact point (from 1 523 to 1 817). In 2016, referrals to court declined to 1,527. Even though Black youth made up only thirty-three percent of the population, they represented sixty-nine percent of all youth referred to court. Asian youth represent the highest in the state. They did not have an impact on the volume of Asian youth referred to court. Eleven were referred to court, representing 0.4% of all referred

youth. This could be an indication of differential handling by law enforcement and over policing in targeted neighborhoods. In the past, Jefferson Parish had higher rates of school-based arrests; however, in 2015 the Parish juvenile justice services collaborated with the school board to revise school policies. The results should reflect rewarding results in the coming years.

Diversion: Diversion is a collaborative effort between the parish juvenile justice services and the District Attorney's Office, working to reduce/eliminate DMC by enhancing the diversion program. In 2015, black youth made up 60% of youth diverted while white youth represented thirty-six percent. The efforts have focused on expansion of diversion opportunities by diverting more youth of color. However, only thirty-four percent of all referrals to court were diverted overall.

Secure Detention: The RRI for this contact point was 1.31; black youth made up 628 of the total 895 youth that entered the detention center in 2016. Although, Jefferson is a JDAI site and administers a Risk Assessment Instrument to control detention admissions, it is not administered on a 24/7 basis. If a youth comes into contact with law enforcement after hours, they are not screened for admission. Further, most of the youth entering the detention after hours are youth of color, specifically black youth. Although admissions continue to decline every year in this parish, this is clearly a challenge that contributes to disparities.

Petitions and Adjudications: Petitions for Black youth in Jefferson Parish were filed at higher rates than White youth in 2016 (1.06). However, there was insufficient number of cases for analysis for delinquent findings. When analyzing the volume of youth who were petitioned and adjudicated, black youth represented sixty-six percent of all petitions filed, while white youth made up twenty-three. It is to be noted, Jefferson Parish files multiple petitions on one individual.

Probation Placement: Youth placed on probation in this parish are supervised by the parish Juvenile probation department. The RRI for black youth at this contact point is 0.74. This JDAI site is also a Deep End site, which focuses on reducing probation violations, in an effort to reduce commitments to the state.

Corrections and Transfers: In year 2016, thirty-six youth cases resulted in confinement to a secure correctional facility. Thirty-two of the thirty-six were black youth, and the remaining four were white youth. Black youth were committed at a rate 1.54 times higher. There was no record of youth transferring to adult court.

Orleans Parish

Orleans parish has the third highest youth population in the state. The total youth population is 75,101. The Parish is a "minority" majority Parish, meaning the youth of color make-up the majority of the population. In overall population, black youth make up seventy-one percent of the population, while twenty percent of the population is white youth. Orleans parish has several specialized juvenile courts; such as drug court and teen court.

Referrals to Juvenile Court: Orleans Parish had seven hundred and fifty-five referrals to juvenile court in 2016. Of the 755; black youth represented 722. The RRI for referral was insufficient due to number of cases analyzed.

Diversion: Diversion numbers were not provided by the District Attorney’s Office.

Cases Involving Secure Detention: In secure detention, three hundred and two youth were placed, of the three hundred and two youth two hundred and ninety three were black youth, and twenty-three white youth.

Delinquent Findings: There were dramatic decline in delinquent findings for year 2016 with one hundred and thirty-six. Black youth represented ninety- six percent of all delinquent findings. In 2014, there were six hundred and fifty-seven delinquent findings (ninety-eight percent black youth). Between 2014 and 2015, the number of delinquent findings dropped fifty percent, but proportions stayed the same.

Probation Placement: Probation in this Parish is run by the Louisiana Office of Juvenile Justice. There were seventy-two youth placed on probation. Of the seventy-two, black youth represented ninety-seven percent. In Orleans parish, there were no statistically significant RRIs; due to majority of the numbers being insufficient for analysis.

WHAT WOULD IT TAKE?

TABLE 1: Tracking Sheet

Relative Rate Index (RRI) Statewide 2015

Source: DMC Data Entry System

Parish: Calcasieu	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian / Alaska Native	American Indian or Alaska Native	Other / Mixed	All Minorities
Juvenile Arrests	**	**	**	*	*	*	**
Refer to Juvenile Court	4.49 S M V	**	0.30	*	2.24	*	4.23 S M V
Cases Diverted	0.41 S	**	**	*	0.40	*	0.73 S
Cases Involving Secure Detention	0.73 S	**	**	*	0.95	*	0.73 S
Cases Petitioned (Charge Filed)	0.77 S	**	**	*	0.72	*	0.80 S
Cases Resulting in Delinquent Findings	1.06	**	**	*	2.47 S	*	1.03
Cases Resulting in Probation Placement	1.04	*	**	*	**	*	1.01
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.78 S	*	**	*	**	*	1.75 S
Cases Transferred to Adult Court	**	**	**	*	*	*	**

Key:
Statistically significant results: **BOLD FONT**
Results that are not statistically significant: Regular font

Group is less than 1% of the youth population: *
 Insufficient number of cases of analysis: **
 Missing data for some element of calculation: ---

Statewide, nearly every point of contact for black youth contained a statistically significant RRI. Of those that were statistically significant, the points of contact with the greatest magnitude (or those with the highest degree of disproportionate contact) were referrals to juvenile court; cases diverted, cases petitioned, and secure confinement. The highest volume was at referral to court for black youth. As mentioned in the introduction, data collection remains a challenge for the state of Louisiana. It will continue to be an ongoing project and goal to overcome this barrier.

CALCASIEU

Table 2: Tracking Sheet

Relative Rate Index (RRI) Calcasieu 2016

Source: DMC Data Entry System

Parish: Calcasieu	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
Juvenile Arrests	3.01	**	**	*	*	*	2.54
Refer to Juvenile Court	1.13	**	**	*	*	*	1.15
Cases Diverted	0.67	**	**	*	*	*	0.67
Cases Involving Secure Detention	1.58	**	**	*	*	*	1.57
Cases Petitioned	1.21	**	**	*	*	*	1.20
Cases Resulting in Delinquent Findings	0.98	**	**	*	*	*	0.99
Cases resulting in Probation Placement	0.98	**	**	*	*	*	0.95
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	*	*	*	0.49
Cases Transferred to Adult Court	**	**	**	*	*	*	**

Key:
 Statistically significant results: **BOLD FONT**
 Results that are not statistically significant: Regular font
 Group is less than 1% of the youth population: *
 Insufficient number of cases of analysis: **
 Missing data for some element of calculation: ---

In Calcasieu Parish, nearly every point of contact for black youth contained a statistically significant RRI. The most significant point of contact is juvenile arrest, with a substantial RRI number. Of those that were statistically significant, the points of contact with the greatest

magnitude (or those with the highest degree of disproportionate contact) were juvenile arrests, referrals to juvenile court, cases involving secure detention, and cases petitioned.

JEFFERSON PARISH

Table 3: Tracking Sheet

Relative Rate Index (RRI) Jefferson 2016

Source: DMC Data Entry System

Parish: Jefferson Parish	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
Juvenile Arrests	3.14	**	0.24	*	*	*	1.89
Refer to Juvenile Court	1.07	**	**	*	*	*	1.06
Cases Diverted	0.62	**	**	*	*	*	0.66
Cases Involving Secure Detention	1.31	**	**	*	*	*	1.47
Cases Petitioned	1.06	**	**	*	*	*	1.22
Cases Resulting in Delinquent Findings	**	**	**	*	*	*	**
Cases resulting in Probation Placement	0.74	**	**	*	*	*	0.64
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	*	*	*	**
Cases Transferred to Adult Court	**	**	**	*	*	*	**

Key:
 Statistically significant results: **BOLD FONT**
 Results that are not statistically significant: Regular font
 Group is less than 1% of the youth population: *
 Insufficient number of cases of analysis: **
 Missing data for some element of calculation: ---

In Jefferson Parish, the most significant point of contact is juvenile arrest, with a substantial RRI number (3.14). Jefferson Parish referred one hundred percent of all juvenile arrest to the juvenile court with significantly fewer Black youth diverted from court proceedings. Black youth are also arrested at a much greater rate than their white counterparts.

ORLEANS

Table 4: Tracking Sheet

Relative Rate Index (RRI) Orleans Parish 2016

Source: DMC Data Entry System

Parish: Orleans	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
Juvenile Arrests	8.66	0.88	**	*	*	*	7.74
Refer to Juvenile Court	**	**	**	*	*	*	**
Cases Diverted	**	**	**	*	*	*	**
Cases Involving Secure Detention	**	**	**	*	*	*	**
Cases Petitioned	**	**	**	*	*	*	**
Cases Resulting in Delinquent Findings	**	**	**	*	*	*	**
Cases resulting in Probation Placement	**	**	**	*	*	*	**
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	*	*	*	**
Cases Transferred to Adult Court	**	**	**	*	*	*	**

Key:
 Statistically significant results: **BOLD FONT**
 Results that are not statistically significant: Regular font
 Group is less than 1% of the youth population: *
 Insufficient number of cases of analysis: **
 Missing data for some element of calculation: ---

In Orleans Parish, the points of contact with the greatest magnitude (or those with the highest degree of disproportionate contact) were referrals to juvenile court, secure detention, and transfers to adult court.

DMC Reduction Activities

Annie E. Casey Foundation—Juvenile Detention Alternatives Initiative (JDAI)

The decision to detain youth unnecessarily remains a significant entry point into deeper penetration into the system; however, Louisiana is committed to using JDAI as a strategy to reduce not only entry into detention, but to also influence other aspects of the juvenile justice system. While racial and ethnic disparities still persist, JDAI sites, the DMC Committee of the SAG, state stakeholders, lawmakers, and many others have made a commitment to system reform to bring both balance and equity to the system.

Louisiana began JDAI in 2006 in five pilot sites: Caddo, Calcasieu, East Baton Rouge, Jefferson, and Orleans. All JDAI sites are required to:

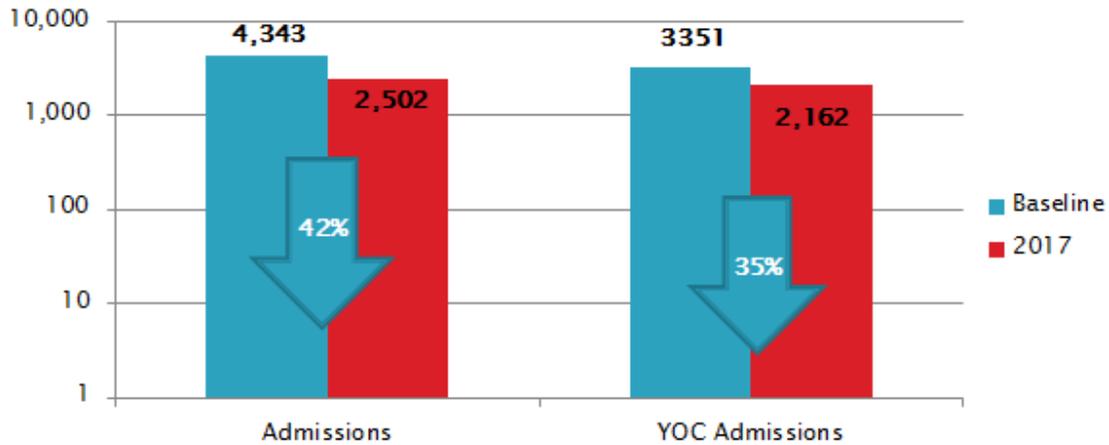
- Ensure collaboration—between juvenile justice agencies, government, and community;
- Use accurate data—to diagnose system strengths and weaknesses to assess reform impact;
- Use objective admissions instruments—to replace subjective decision-making;
- Implement non-secure alternatives to detention for youth who would be incarcerated;
- Implement case processing reforms—expedite cases; reduce length of stay in secure detention, expand availability in non-secure programs, ensure timely interventions
- Review procedures for special detention cases—youth in secure detention for court order violations/warrants/awaiting placement must be re-examined and minimized;
- Reduce racial disparities—use strategies eliminating bias for fairness for youth of color; and,
- Improve conditions of confinement—routine, rigorous inspection of secure facilities.

The five pilot sites have collectively seen significant reductions in Average Daily Populations, Admissions to Detention, and Commitments to the State. In 2017 the focus parishes saw historical lows in detention admissions and in overall arrests, especially in East Baton Rouge and Jefferson Parishes. East Baton Rouge’s detention admissions were under 800 for the first time ever and Jefferson parish was right over 900, at 906 admissions for the year.

Annual Results

Baseline vs. 2017

YOC made up 86% of all admissions



For the past two years, Louisiana has used JDAI as a target strategy to reduce RED/DMC. While the pilot sites have seen reductions, disparities for youth of color are still prevalent. There are several reasons for this, listed below:

- 1) Overrides are extremely high in the pilot sites and this mostly affects youth of color. Louisiana's override rate is currently sixty percent, the JDAI standard is fifteen percent, and is mostly for low level black youth.
 - a. The object screening instrument not being administered 24/7. This is a problem in most of the pilot sites, but the sites are working to implement the instruments at all hours.
 - b. Louisiana Statute, the Children's Code¹, gives authority to the court to determine who enters detention. In most other states, especially JDAI sites, the authority to admit a youth into detention is determined by the detention center. Although, the judge is traditionally included in the initial collaborative that creates the instrument used, administrative changes, new judges, and subjective discretion by judges impacts the override rate.

¹2017 Annual Results Report does not include Orleans parish

²LA CHC Art. 817 A

- c. All youth are eligible for bail if detained according to LA Children’s Code². If a youth has scored to be detained, a judge may set bail for the release of the child; however, this disproportionate affect youth of color (primarily poor YOC) in Louisiana which is not unique from any other state. Although Louisiana has established criteria for setting bail³, we know in some jurisdictions the fourth criteria (financial ability of the child and family to pay) is not taken into consideration.
- 2) The possibility of biased policing practices is not only an issue in the JDAI sites, but a statewide issue as well. Even in jurisdictions that have extremely low youth of color populations, we see disparities. In Louisiana, we rarely see explicit biases anymore, but rather are experiencing implicit biases.
- 3) No clear distinction or guidelines on the “purpose of detention”. Louisiana has worked to educate judges, prosecutors, personnel, etc. that the purpose of detention for a youth should only be when public safety is at risk, unfortunately, we still have players in the system that use detention for shelter. We see detention usage many times for technical violations, status offenders, and for “keeping the child safe.” “Keeping the child safe” could/may include runaways, suicidal youth, retaliatory possibilities that exist in the community, and parental refusal to take the child. LA Revised Statute states: “It shall be the policy of this state that all juvenile detention facilities provide temporary, safe, and secure custody of juveniles during the pendency of juvenile proceedings, when detention is the least restrictive alternative available to secure the appearance of the juvenile in court or to protect the safety of the child or the public.”⁴

³LA CHC Art. 817 B

⁴LA CHC Art. 824

⁵LA RS 1110