The Honorable David L. Bell Chief Judge Orleans Parish Juvenile Court

New Orleans Juvenile Justice System Reform Report November 2005 through September 2008

INTRODUCTION AND BACKGROUND

Hurricane Katrina was the most destructive event New Orleans and the country have ever experienced, both in personal loss and tragedy and overall loss of a major city's infrastructure. The following represents a snapshot of the work conducted by the Judges En Banc, the juvenile justice system stakeholders, citizens of New Orleans and City leaders, with the assistance of the Annie E. Casey Foundation, to revision and rebuild a better juvenile justice system that believes children and families have the potential to succeed when presented with the right opportunities.

In September 2005, six juvenile court judges and most court staff in Orleans parish lost their homes, many staff lost their jobs. Orleans Parish Juvenile Court is a state district court funded by law through the City of New Orleans. The New Orleans City Council, faced with catastrophe cut the Orleans Parish Juvenile Court's (OPJC) 's budget by two-thirds thereby dramatically reducing essential court services.

Despite the loss of staff and infrastructure the juvenile court judges seized upon an opportunity that, but for Katrina, would not be possible – overall reform of the Orleans parish juvenile court and juvenile justice system. In 1997, the New York Times called OPJC "the most troubled juvenile court system in the country." The court recognized, despite the hardship presented, there was a unique opportunity to rebuild the juvenile court in conformity with national standards and best practices. The court committed itself to increasing safety in communities by supporting and implementing both effective delinquency prevention strategies as well as a continuum of effective and least intrusive responses to reduce recidivism. The judges recognized improving the delinquency system required judicial leadership and collaboration among system stakeholders and with the community. Orleans parish needed reform from beginning to end including diversion from the formal court process, alternatives to detention, and a continuum of care throughout the process that is responsive to the complex needs of children, youth, and families.

¹ Fox Butterfield, Few Options of Safeguards In a City's Juvenile Courts. New York Times, July 22, 1997.

The result of three-years of strategic planning that is data driven and consensus based is a decrease in juvenile crime, a decrease in secure detention pre-adjudication, an increase of services available on the community-based continuum of care from the point of arrest through the system, including educational and vocational programming for young people who have dropped out of school.

The catalyst - Children and Youth in Crisis

From September 2005 – November 2005, the court appointed the Juvenile Justice Project of Louisiana (JJPL) to represent over 150 children and youth post-Katrina who had not been evacuated from the city until after the storm and who remained in the City. The children and youth were without power or food in flood waters at the Orleans Parish Prison for three days after the storm. Upon rescue, the state Office of Juvenile Justice (OJJ) accepted the children and youth who needed to be cleaned, fed, treated and reunited. Because detention pre-adjudication is a city function each case had to be reviewed individually. The OPJC judges convened court in Baton Rouge and Algiers, LA from September through November 2005 and with the assistance of JJPL, OJJ, and Friends and Families of Louisiana's Incarcerated Youth (FFLIC) re-united every youth with his or her family.

In November 2005, the court, along with JJPL reviewed the juvenile justice system's failures that led to the detention crisis and identified four immediate areas of improvement to begin the reform process:

- (1) depopulating youth from secure care (post-disposition);
- (2) developing short-term and long term plans to reform detention policies and practices;
- (3) identifying and constructing a strategic plan for rebuilding the court system based on best practices; and
- (4) developing funding to implement the strategic plan.

The Southern Poverty Law Center funded a *Recovery Coordinator* position responsible for implementing the outlined goals from November 2005 – December 2006.

I. CASE REVIEW AND CASELOAD REDUCTION:

Secure Detention Cases

OPJC chose to focus on decreasing the secure care caseload as a first step post-detention reviews because the efficacy of secure care was questionable and it was not clear that the broken system prior to Katrina was a reliable indicator of risk to public safety. For years advocacy groups documented deplorable conditions of confinement in Louisiana's secure care facilities. Moreover studies indicated the youth population in secure care did not pose a risk to public safety.

In 2003, the Casey Consulting Group conducted a study of Louisiana youth in secure care. The report found most youth in secure care were there for non-violent offenses and were low level offenders revealing a trend where the dispositions imposed by the court did not match the risk the youth posed to public safety. The report documented that Louisiana's overall lack of alternatives to detention result in inappropriate placement in secure care. The report's most disturbing finding was racial and ethnic disparities in secure care. Black youth are four times more likely to be incarcerated than whites and receive longer dispositions than white youth even though there is little difference in the severity of offenses committed or in prior offense histories. Further, racial disparities are even wider for actual time youth are incarcerated.

For several years, the Office of Juvenile Justice for the State of Louisiana (OJJ) has been working with outside agencies to implement the Missouri model of care for children and youth in secure care. In December 2005, OJJ released its five year strategic plan which included components of the Missouri model. OPJC's strategy to reduce the secure care population was consistent with the recommendations in the 2003 Casey report and in so doing supported OJJ's efforts to provide humane, local, therapeutic secure care facilities.

The judges reviewed every youth in secure care from December 2005 – April 2006 and reduced the population consistent with public safety and mandatory sentencing laws, reunifying children and youth with families who relocated to other states.

OPJC maintained an overall 45% reduction in its secure care population by the end of the 2006.

Non-Secure Cases

As of January 1, 2006 the court had approximately 25,000 open cases that were open in the court computer system. Because of city budget cuts there were no OPJC staff to work on the issue. OPJC recruited eighteen (18) interns over two (2) weeks from the Law Student Hurricane Network to review each individual open file, collect data on the outcome of the case and enter it into the computer system. As a result, in January 2005 the Court closed over 15,000 cases.

In addition to the case review for legal status the Court, on its own initiative, and following conversations with OYD reviewed youth presently on probation and closed cases where the youth and family have relocated due to the storm, there is no threat to public safety and no value in maintaining probation services. The Court closed approximately 200 probation cases by the end of January. By February 2006, OPJC had 1,803 open cases (1,721 delinquency and 82 dependency).

II. CREATING A DETENTION POLICY:

Prior to Katrina, the city of New Orleans provided two detention facilities for holding youth accused of crimes and youth given secure care dispositions pending placement with

the state -- the Community Youth Center (CYC) at the Orleans Parish Prison (OPP) and the Youth Studies Center (YSC). Together the detention centers had the capacity to house 108 youth but routinely held more then the rated capacity.² At times the overall detention population exceeded 200 youth. Hurricane Katrina caused major damage to CYC and YSC and until July 2007 there were no detention facilities for juveniles in the city. Presently the Youth Study Center had capacity for 32 juveniles but since implementation of the objective Risk Assessment Instrument and community-based alternatives to detention has an average daily population of 22.

In 1997, the New York Times wrote an article about Orleans Parish Juvenile Court citing significant problems with pre-adjudication detention.³ Fox Butterfield wrote, "Some young defendants remain in detention centers for up to eight months, without coming to trial, much longer than the 10- to 30- day limits imposed by most state laws." The article further noted a successful lawsuit against Orleans Parish for deplorable conditions of confinement, overrepresentation of minority youth and a detention population consisting of minor offenses including "shoving someone at school." Someone of the service of the service

The court recognized that it overused and misused detention in the past resulting in overcrowding, inhumane conditions and wasted resources. Based on national studies documenting the failure of incarceration to decrease recidivism and protect the community, OPJC sought to limit the population of youth in detention to those youth who cannot be released because the risk of failure to appear for court or the risk of additional delinquent behavior is too great. Pre-Katrina, the youth detention population in Orleans parish included youth with allegations of delinquency pending adjudication, youth pending placement following disposition, youth serving "contempt time" for technical violations of FINS probation and parole and youth serving "contempt time" for technical violations of delinquency probation and parole.

The court's overall goal was to prevent youth who are high need but not high risk from being removed from the community. In the short-term, OPJC created a detention policy with law enforcement officials to sort youth who pose a high risk to the community from those who are high need and do not require secure detention. The court's long-term goal was to reform detention policies with a stakeholder collaborative consistent with best practices developed by the Annie E. Casey Foundation (Casey) through its Juvenile Detention Alternatives Initiative (JDAI).

From December 13, 2005 through the present, the Annie E. Casey Foundation (Casey) supported New Orleans in its efforts to become a Juvenile Detention Alternative Initiative (JDAI) site. Orleans presented an unusual challenge to the initiative due to a lack of

² Community Youth Center 48 and Youth Study Center 60. *See* OYD Fact sheets & report, *Local juvenile detention beds*, http://www.oyd.louisiana.gov/Statistics/statistics.htm.

³ Fox Butterfield, Few Options of Safeguards In a City's Juvenile Courts. New York Times, July 22, 1997.

⁴ Id.

⁵ Id.

facility, data, and infrastructure. New Orleans became an official site in September 2006 and created significant infrastructure, data collection capacity, and alternatives to detention through use of data, best-practice literature review, deliberation and consensus building.

The court convened a stakeholder collaborative beginning in December 2005 - the JDAI Advisory Committee - to assess and respond to the need for services based on the current and future juvenile population and develop a continuum of care for both prevention and rehabilitation based on the needs identified. The current continuum in 2008 is a direct result of shared values and a philosophy developed through collaboration among the New Orleans JDAI Advisory Committee which is comprised of the Orleans Parish Juvenile Court (OPJC), New Orleans Police Department (NOPD): New Orleans District Attorney's Office Juvenile Division (DA's Office); Juvenile Regional Services (JRS); New Orleans Public Schools (NOPS); Recovery School District (RSD); Friends and Families of Louisiana's Incarcerated Children (FFLIC); Department of Human Services (DHS); Youth Study Center (YSC); Metropolitan Human Services District (MHSD); Office of Community Services (OCS); Office of Youth Development (OYD); Juvenile Justice Project of Louisiana (JJPL); Families In Need of Services (FINS); Orleans Detention Alternative Program (ODAP); Community-Based Corrections (CBC); Total Sentencing Alternatives Program (TSAP); the Drop In Center; the Court Coordination Program (CCP): Citizens For 1 Greater New Orleans; and Drug Court.

2007 marked the first year of the initiative. The JDAI AC worked on responding to the system assessment conducted by Casey in January 2007, including meaningful collaboration, data collection, system mapping and strategic planning. In 2007, the New Orleans City Council, impressed by judicial leadership and collaborative planning, allocated \$1,000,000.00 to implement a *Reception, Resource, and Skills Center* for objective screening, assessment, reception services at arrest, and enhancement of alternatives to detention. New Orleans went from a detention policy based on perception to a sound policy based in data and shared values.

IV. STRATEGIC PLANNING FOR A CONTINUUM OF CARE:

OPJC understood that in order to bring stakeholders to consensus the bench itself had to vision what the new juvenile justice system for New Orleans would mean to them. On July 26th 2006, the Casey Foundation facilitated a one day retreat with OPJC Judges and Administration drafting a broad stroke reform blueprint for the entire juvenile justice system beginning with court visioning and moving through the system from arrest through post-disposition. OPJC Judges unanimously adopted the blueprint at the August 2006 En Banc meeting.

Almost one year later the JDAI Advisory Committee held two strategic planning sessions, June 2007 and July 2007, around the goal of detention and vision for a continuum, to guide the development of the Risk Assessment Instrument and all working group deliberations. To date the collaborative reviews its shared values and goals.

OPJC sought community input in at the New Orleans Crime Summit on September 16, 2006, and later chaired the Juvenile Justice working group. As City Council efforts declined on the working groups, OPJC added more community member to the JDAI collaborative. The community identified three priorities for the juvenile justice system in 2007: an emergency shelter, an evening reporting center and best practices training.

V. CURRENT STATUS:

In 2008 City Council funded the Reception, Resource, and Skills Center (RRSC) to increase public safety, provide opportunities for youth and families, and increase public savings. The RRSC provides intake, referral, and skills development (vocational and educational) for all youth arrested or referred for community-based treatment in the City of New Orleans. The RRSC serves as the nexus between agencies that serve at-risk youth in New Orleans and is a direct result of the strategic opportunities created through collaboration among stakeholders, community members, and the Annie E. Casey Foundation through its national best-practice Juvenile Detention Alternatives Initiative (JDAI).⁶ The RRSC is modeled after evidence based reception centers and programs across the country created through JDAI.

The RRSC was developed through the strategic planning process of the Juvenile Detention Alternatives Initiative Advisory Committee in response to the lack of front-end intake services for youth arrested in the system and processed through the New Orleans Police Department, the Youth Study Center, the District Attorney's Office and the Orleans Parish Juvenile Court. Additionally it was developed in response to the lack of a continuum of services for youth and families who come into contact with law enforcement.

V. FUND DEVELOPMENT

Since March 2006 OPJC received the following funds:

VI. 2008 OPJC PROGRAMS

I. PRE-ADJUDICATION

⁶ New Avenues for Youth Reception Center, Portland, OR http://search.msn.com/results.aspx?q=New+Avenues+for+Youth+Reception+Center&FORM=MSNH

Portland, OR continuum of services http://www.co.multnomah.or.us/dcj/programs.shtml#jsd

JDAI http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx

Juvenile Detention Alternatives Initiative (JDAI)

Orleans Parish Juvenile Court is leading the effort in New Orleans to implement the Annie E. Casey Foundations JDAI initiative. JDAI's purpose is to demonstrate that jurisdictions can safely reduce reliance on secure detention. It also tests the hypothesis that detention reforms will equip juvenile justice systems with values, skills, and policies that will change results in other components of the system, such as commitments to youth corrections facilities. JDAI seeks to eliminate the inappropriate or unnecessary use of secure detention; minimize re-arrest and failure-to-appear rates pending adjudication; ensure appropriate conditions of confinement in secure facilities; and, redirect public finances to sustain successful reforms. OPJC, along with five other parishes in Louisiana, became a pilot site on September 15, 2006. OPJC and its stakeholder partners are currently working on creating an objective risk assessment, and improving both data collection and case processing.

Reception, Resource, and Skills Center (RRSC)

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Reception Intake Services:

Screening and Assessment:

The RRSC will serve as intake to the juvenile justice system and assess all youth arrested with an objective decision making tool or Risk Assessment Instrument (RAI) to ensure fairness in the process, reduce disparities in the system, and assess risk to ensure high risk

youth who pose a risk to public safety are removed from the community.⁷ RRSC Intake/Intervention Specialists will implement the RAI on a twenty-four (24) hour basis. The Director of the RRSC will have supervisory authority over the RAI process.

Resource Referrals:

Following implementation of the RAI RRSC Intake Intervention Team will refer youth and families to community-based services and provide direct services to youth through Orleans Parish Juvenile Court (OPJC) programs depending on the outcome of the assessment. All OPJC programs will be directly connected to the RRSC.

Eligible youth: Ages 10 - 17

Pre-adjudication

Upon arrest according to booking criteria

Orleans Detention Alternative Program (ODAP)

The ODAP is a pre-adjudication alternative to detention program that seeks to ensure youth return for court appearances and do not re-offend while under supervision. ODAP Youth Advocates work with youth who are high need but not high risk to the community. ODAP wraps services around the family and the child through its advocates and face to face contact. The model of advocacy stems from the premise that every individual and family has strengths and capabilities that can and must be developed. The program is commitment to family-focused programming that empowers youth and families to lead healthy, safe and productive lives. ODAP often serves clients who have been rejected by other service providers.

ODAP approach is based on a 'never give up' philosophy. Hence ODAP will not eject or discharge any youth for non compliance. The advocate will continue to offer support to the youth and family even when the problems appears to be incorrigible. The goal of the advocate is to support the youth and family though their struggles by consistently reminding them of their strengths, and empower the youth and family to utilized what ever strength available, and to wrap enough community supports around the family that will enable them to persist in attempting to resolve the problem.

Eligible youth: Ages 10 - 18

Pre-adjudication

Require intensive supervision in the community

⁷ Since March 2007, the JDAI Advisory Committee, through its Objective Risk Assessment Working Group, developed and field tested an objective RAI. The Annie E. Casey Foundation provided training and technical assistance through JDAI to develop the instrument. For more information about RAI see http://www.jdaihelpdesk.org/objective/Pages/default.aspx

Evening Reporting Center (ERC)

Evening Reporting Centers (ERC) is an evidence-based program that provides supervision and education to young people involved in the juvenile justice system. The ERC will provide an educational, supervised environment within the community as alternatives to detention for minors who would otherwise be detained or removed from their homes because of supervision needs. The Evening Reporting Center provides youth with supervision in a safe, structured setting and is intended to divert youth from committing crimes during times known for peak delinquent activity. The program provides a structured, supervised environment five days a week during the out of school hours, from the end of the school day until bedtime approaches. The ERC program includes academics, life skills, cognitive behavior curricula, counseling, parent training, and recreational activities.

Eligible youth: Ages 10 - 17

Pre-adjudication

Require intensive after school supervision

Families In Need of Services (FINS)

FINS is an informal process designed to focus on the family unit, rather than just the child. FINS seeks to promote early intervention and help facilitate the receipt of needed services, rather than imposing a punishment. FINS focuses on status offenses and behavior that would not be a crime if committed by an adult. Following an extensive interview to assess the unique needs of each family, a family service plan is developed. Compliance with the service plan is monitored by FINS staff and other designated individuals for a maximum of six months without further judicial order. FINS goals are to reduce formal juvenile court involvement while generating appropriate community services to benefit the child and improve family relations.

Eligible youth: Ages under 10 - 17

Truancy or repeated willful violation of lawful school rules

Ungovernable Repeated runaway

Repeated possession or consumption of drugs/alcohol

Repeated curfew violations

II. POST-ADJUDICATION

Orleans Parish Juvenile Drug Treatment Court

OPJDTC functions as a treatment-centered system that intervenes with juveniles (and their families) who possess substance abuse problems in order to enable these youth to lead productive, substance free, and crime free lives. The program offers intensive rehabilitative services in a structured and supportive environment. The drug court

program is an intensive substance abuse treatment and family intervention program serving youth between the ages of 12 and 17 who are currently involved in the juvenile justice system. OPJDTC is a six to nine-month program with three months of aftercare. The program is collaborative in structure, bringing together the youths and their family, a juvenile court judge, the Orleans Parish schools, law enforcement, local community based organizations, the District Attorney's office, and the Orleans Parish Indigent Defender's Program. The court provides ongoing supervision and case management from post-adjudication to disposition through monitoring, tracking and/or case management.

The program offers a non-adversarial approach to promoting public safety by working to reduce substance abuse and recidivism among nonviolent juvenile substance abusing offenders. As such, the drug court's treatment-centered system works to intervene with families and juvenile offenders with drug abuse problems by providing therapy, drug counseling and screening, graduated sanctions and incentives, and a road map toward a drug and crime free lifestyle that enables youth to maintain employment and/or continue with secondary education.

Eligible youth: Ages 12 - 17

Juvenile must plead guilty to offense (with history of drug

abuse)

No prior violent felony conviction No prior conviction for Simple Burglary

No pending crime of Violence, DEI/DUI or multiple counts

of distribution, possession with intent to distribution production/manufacture/cultivation of any

controlled dangerous substance

Report/Resource Program

Report/Resource Center program functions as an alternative to detention program for first-time offenders. The program service youth between the ages of 12 – 16 years of age, and offer support services to the entire family unit. Prevention and intervention services are offered to the youth/family members enrolled. This program intervenes proving services for 6 months—individual counseling, family counseling, group counseling, tutoring, case management services, curfew monitoring, school monitoring, community service/service learning projects, and information & referral services. The program offers all services in a structured and supportive environment—courthouse, home setting, and/or in the community. The program is collaborative in structure, bringing together the youths and their family, the juvenile court judges, the City's many school districts, law enforcement, local community based organizations, the District Attorney's office, and the Orleans Parish Indigent Defender's Program. The program is funded by the Louisiana Commission of Law Enforcement (LCLE).

Eligible youth: Ages 12 – 16

First-time Offender 6 month commitment to program services

Restitution

Research has shown that restitution has therapeutic value for offenders and victims. It permits the offender to regain self-respect by doing the right thing and provides a sense of justice, as well as reparation, to the victim.

The juvenile restitution program operates with the philosophy that all youth in New Orleans should be held accountable to the community for their actions. By offering a renewed self-respect to delinquent juveniles, the program strives to make a difference.

Juvenile restitution provides community service supervision and payment status monitoring.

Eligible youth:

Ages 10 -17

Judicial discretion

Court Coordination

The Court Coordination Program is a pilot program that provides intensive case management for dually involved children and youth, including service coordination among local services providers, the Office of Community Services, and the Office of Youth Development.

Eligible youth:

Ages 10 - 18

Post-Adjudication

Dual jurisdiction in Section A dependency & delinquency

PROGRAM STAFF (1):

Crystal Curry, Court Coordinator

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Teen Court – Being Developed

Teen Court is presently being redeveloped through the Teen Court Development Committee hosted by the court with a small grant from the Louisiana Bar Foundation. In 1997 OPJC used Teen Court for first time nonviolent offenders as a deferred disposition program. The goal of Teen Court is to provide communities with an opportunity to impose immediate consequences for first time youthful offenders, while providing a peer operated disposition mechanism that constructively allows young people to take responsibility, be held accountable, and make amends for violating the law. Dispositions hold youth accountable, in part, through peer pressure, which exerts a powerful influence over adolescent behavior. If peer pressure contributes to juvenile delinquency, then, according to the experts, it can be redirected to promote law abiding behavior.

Additionally, while providing positive consequences for juvenile offenders, such as community service, youth courts offer other young people in the community the opportunity to actively participate in the local decision-making process regarding how to address law violating behavior and to gain hands-on knowledge of the juvenile and criminal justice systems. OPJC is currently applying for funding from Baptist Community Ministries and will seek implementation funding from the Louisiana Bar Foundation for 2009.

Youth Works, NOLA!

Youth Works, NOLA! Is a program for young men and women ages 16-19 that have dropped out of school or are about to drop out as a result of academic failure. The program provides education literacy, pre-GED, and GED courses, job skills training, on site work experience, stipends, leadership development, and job placement upon program completion.

Eligible youth: Ages 16-19

Currently out of school or overage eighth graders

Currently unemployed

III. PRE AND POST ADJUDICATION SERVICES

Behavioral Health Liaison Services Program

The program offers a non-adversarial approach to assisting youth and families that are court involved and non-court involved—promoting public safety by working to assist youth and families with addressing many of their emotional and social needs. The program staff works closely with the youth/families providing the following services: assessment/evaluation (psychological and psychiatric evaluations), intensive case management services, informational and referral services, counseling & support services, transportation services, and a road map toward a stress-free and crime-free lifestyle that enables youth/families to maintain healthy family functioning (strong family ties). The program staff is responsible for walking youth/families through all processes for accessing needed identified resources. The program is collaborative in structure, bringing together the youths and their family, the juvenile court judges, the City's many school districts, law enforcement, local community based social service organizations, the District Attorney's office, and the Orleans Parish Indigent Defender's Program. The program is funded by the Metropolitan Human Services District (MHSD).

Eligible youth: All youth before the Orleans Parish Juvenile Court

Recovery School District Liaisons:

The Recovery School District provides two (2) Liaisons who provide information to the judges and programs before the court regarding school status, academic functioning, and attendance.

Eligible youth: All youth before the Orleans Parish Juvenile Court

ⁱ New Avenues for Youth Reception Center, Portland, OR http://search.msn.com/results.aspx?q=New+Avenues+for+Youth+Reception+Center&FORM=MSNH

Portland, OR continuum of services http://www.co.multnomah.or.us/dcj/programs.shtml#jsd

JDAI http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx