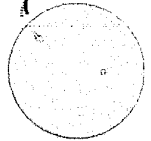


134277



LOUISIANA'S STATE MONITORING REPORT

FOR THE PERIOD

SEPTEMBER 1, 1989 - AUGUST 31, 1990

NCJRS

FEB 7 1992

ACQUISITIONS

134277

U.S. Department of Justice
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STATE MONITORING REPORT

A. GENERAL INFORMATION

1. NAME AND ADDRESS OF STATE MONITORING AGENCY

Louisiana Commission on Law Enforcement

2121 Wooddale Boulevard

Baton Rouge, LA 70806-1442

2. CONTACT PERSON REGARDING STATE REPORT

Name: Alyce Lappin Phone#: 504-925-4443

3. DOES THE STATE'S LEGISLATIVE DEFINITION OF CRIMINAL-TYPE OFFENDER, STATUS OFFENDER, OR NONOFFENDER DIFFER WITH THE OJJDP DEFINITION CONTAINED IN THE CURRENT OJJDP FORMULA GRANT REGULATION? No

IF YES, HOW? _____

4. (To be answered only if response to item 3 above is yes).
DURING THE STATE MONITORING EFFORT WAS THE FEDERAL DEFINITION OR STATE DEFINITION FOR CRIMINAL-TYPE OFFENDER, STATUS OFFENDER AND NONOFFENDER USED? N/A

Revised 9/88

SECTION 223(a)(12)(A)

B. REMOVAL OF STATUS OFFENDERS AND NONOFFENDERS FROM SECURE DETENTION AND CORRECTIONAL FACILITIES

The information required in this section concerns those public and private residential facilities which have been classified as a secure detention or correctional facility as defined in the current OJJDP regulation.

1. BASELINE REPORTING PERIOD August 21, 1975 - September 1, 1976

CURRENT REPORTING PERIOD September 1, 1989 - August 31, 1990

2. NUMBER OF PUBLIC AND PRIVATE SECURE DETENTION AND CORRECTIONAL FACILITIES.

Enter the number of residential facilities which have been classified as public or private secure detention and correctional facilities as defined in the OJJDP regulation. This includes but is not limited to juvenile detention facilities, juvenile correctional facilities, jails, lockups, or other secure facilities.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>170</u>	<u>170</u>	<u>0</u>
Current Data	<u>151</u>	<u>151</u>	<u>0</u>
Juvenile Detention Centers	<u>10</u>	<u>10</u>	<u>0</u>
Juvenile Training Schools	<u>1</u>	<u>1</u>	<u>0</u>
Adult Jails	<u>64</u>	<u>64</u>	<u>0</u>
Adult Lockups	<u>76</u>	<u>76</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

3. NUMBER OF FACILITIES IN EACH CATEGORY REPORTING ADMISSION AND RELEASE DATA FOR JUVENILES TO THE STATE MONITORING AGENCY.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>170</u>	<u>170</u>	<u>0</u>
Current Data	<u>93</u>	<u>93</u>	<u>0</u>
Juvenile Detention Centers	<u>10</u>	<u>10</u>	<u>0</u>
Juvenile Training Schools	<u>1</u>	<u>1</u>	<u>0</u>
Adult Jails	<u>64</u>	<u>64</u>	<u>0</u>
Adult Lockups	<u>18</u>	<u>18</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

4. NUMBER OF FACILITIES IN EACH CATEGORY RECEIVING AN ON-SITE INSPECTION DURING THE CURRENT REPORTING PERIOD FOR THE PURPOSE OF VERIFYING SECTION 223(a)(12)(A) COMPLIANCE DATA.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Current Data	<u>93</u>	<u>93</u>	<u>0</u>
Juvenile Detention Centers	<u>10</u>	<u>10</u>	<u>0</u>
Juvenile Training Schools	<u>1</u>	<u>1</u>	<u>0</u>
Adult Jails	<u>64</u>	<u>64</u>	<u>0</u>
Adult Lockups	<u>18</u>	<u>18</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

5. TOTAL NUMBER OF ACCUSED STATUS OFFENDERS AND NONOFFENDERS HELD FOR LONGER THAN 24 HOURS IN PUBLIC AND PRIVATE SECURE DETENTION AND CORRECTIONAL FACILITIES DURING THE REPORT PERIOD, EXCLUDING THOSE HELD PURSUANT TO A JUDICIAL DETERMINATION THAT THE JUVENILE VIOLATED A VALID COURT ORDER.

Write in the number of accused status offenders and nonoffenders held in excess of 24 hours in the facilities during the report period. This number should not include (1) accused status offenders or nonoffenders held less than 24 hours following initial police contact, (2) accused status offenders or nonoffenders held less than 24 hours following initial court contact, or (3) status offenders accused of violating a valid court order for which a probable cause hearing was held during the 24 hour grace period.

The 24 hour period should not include weekends and holidays.

Where a juvenile is admitted on multiple offenses, the most serious offense should be used as the official offense for purposes of monitoring compliance.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>48.6*</u>	<u>48.6*</u>	<u>0</u>
Current Data	<u>18</u>	<u>18</u>	<u>0</u>
Juvenile Detention Centers	<u>10</u>	<u>10</u>	<u>0</u>
Juvenile Training Schools	<u>0</u>	<u>0</u>	<u>0</u>
Adult Jails	<u>0</u>	<u>0</u>	<u>0</u>
Adult Lockups	<u>8</u>	<u>8</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

* Baseline figures represent an average daily population of status and non-offenders. Current data reflects the total number of status and non-offenders actually admitted during a 12-month period.

6. TOTAL NUMBER OF ADJUDICATED STATUS OFFENDERS AND NONOFFENDERS HELD IN PUBLIC AND PRIVATE SECURE DETENTION AND CORRECTIONAL FACILITIES FOR ANY LENGTH OF TIME DURING THE REPORT PERIOD, EXCLUDING THOSE HELD PURSUANT TO A JUDICIAL DETERMINATION THAT THE JUVENILE VIOLATED A VALID COURT ORDER.

Write in the number of adjudicated status offenders and nonoffenders held in the facilities for any length of time during the report period. This number should not include those status offenders found in a violation hearing to have violated a valid court order.

Where a juvenile is admitted on multiple offenses, the most serious offense should be used as the official offense for purposes of monitoring compliance.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>74*</u>	<u>74*</u>	<u>0</u>
Current Data	<u>0</u>	<u>0</u>	<u>0</u>
Juvenile Detention Centers	<u>0</u>	<u>0</u>	<u>0</u>
Juvenile Training Schools	<u>0</u>	<u>0</u>	<u>0</u>
Adult Jails	<u>0</u>	<u>0</u>	<u>0</u>
Adult Lockups	<u>0</u>	<u>0</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

7. TOTAL NUMBER OF STATUS OFFENDERS HELD IN ANY SECURE DETENTION OR CORRECTIONAL FACILITY PURSUANT TO A JUDICIAL DETERMINATION THAT THE JUVENILE VIOLATED A VALID COURT ORDER.

Write in the total number of status offenders accused of violating a valid court order pursuant to a judicial determination, based on a hearing during the 24 hour grace period, that there is probable cause to believe the juvenile

* Baseline figures represent an average daily population of status and non-offenders. Current data reflects the total number of status and non-offenders actually admitted during a 12-month period.

violated the court order and the number of status offenders found in violation hearings to have violated a valid court order.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>205</u>	<u>205</u>	<u>0</u>
Current Data	<u>94</u>	<u>94</u>	<u>0</u>
Juvenile Detention Centers	<u>94</u>	<u>94</u>	<u>0</u>
Juvenile Training Schools	<u>0</u>	<u>0</u>	<u>0</u>
Adult Jails	<u>0</u>	<u>0</u>	<u>0</u>
Adult Lockups	<u>0</u>	<u>0</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

Has the state monitoring agency verified that the criteria for using this exclusion have been satisfied pursuant to the current OJJDP regulation? Yes

If yes, how was this verified (state law and/or judicial rules match the OJJDP regulatory criteria, or each case was individually verified through a check of court records)? Each is verified through a check of

court records.

C. DE MINIMIS REQUEST

1. CRITERION A -- THE EXTENT THAT NONCOMPLIANCE IS INSIGNIFICANT OR OF SLIGHT CONSEQUENCE.

Number of accused status offenders and nonoffenders held in excess of 24 hours and the number of adjudicated status offenders and nonoffenders held for any length of time in secure detention or secure correctional facilities.

<u>ACCUSED</u>		<u>ADJUDICATED</u>		<u>TOTAL</u>
<u>18</u>	+	<u>0</u>	=	<u>18</u>

Total juvenile population of the State under age 18 according to the most recent available U.S. Bureau of Census data or census projection.

1,330,486

If the data was projected to cover a 12-month period, provide the specific data used in making the projection and the statistical method used to project the data.

<u>ACCUSED</u>		<u>ADJUDICATED</u>		<u>TOTAL</u>
Data: 18	+	0	=	18

Statistical Method of Projection: _____

Calculation of status offender and nonoffender detention and correctional institutionalization rate per 100,000 population under age 18.

Status offenders and nonoffenders held (total)	=	18	(a)
Population under age 18	=	13.30	(b)
$\frac{18}{(a)}$	\div	$\frac{1,330,486}{(b)}$	= $\frac{.075}{\text{Rate}}$

NOTE: If the rate is less than 5.8 per 100,000 population, the State does not have to respond to criterion B and C.

2. CRITERION B -- THE EXTENT TO WHICH THE INSTANCES OF NONCOMPLIANCE WERE IN APPARENT VIOLATION OF STATE LAW OR ESTABLISHED EXECUTIVE OR JUDICIAL POLICY.

- a. Provide a brief narrative discussion of the circumstances surrounding the noncompliant incidences. Describe whether the instances of noncompliance were in apparent violation of state law, established executive policy or established judicial policy. Attach a copy of the applicable law and/or policy.

N/A

3. CRITERION C -- THE EXTENT TO WHICH AN ACCEPTABLE PLAN HAS BEEN DEVELOPED.

A plan is to be developed to eliminate noncompliant incidents within a reasonable time where the instances of noncompliance (1) indicate a pattern or practice or (2) appear to be sanctioned by or consistent with state law or established executive or judicial policy, or both.

- a. Do the instances of noncompliance indicate a pattern or practice?

Yes _____ No _____ X _____

- b. Do the instances of noncompliance appear to be sanctioned or allowable by state law, established executive policy, or established judicial policy?

Yes _____ No _____ X _____

- c. Describe the State's plan to eliminate the noncompliant incidents within a reasonable time. The following must be addressed as elements of an acceptable plan:

- (1) If the instances of noncompliance are sanctioned by or consistent with state law or executive or judicial policy, then the plan must detail a strategy to modify the law or policy to prohibit noncompliant placement so that it is consistent with the Federal deinstitutionalization of status offenders and nonoffenders requirement.
- (2) If the instances of noncompliance were in apparent violation of state law, or executive or judicial policy, and amount to or constitute a pattern or practice rather than isolated instances of noncompliance, the plan must detail a strategy which will be employed to rapidly identify violations and ensure the prompt enforcement of applicable state law or executive or judicial policy.
- (3) In addition, the plan must be targeted specifically to the agencies, courts, or facilities responsible for the placement of status offenders and nonoffenders in noncompliance with Section 223(a)(12)(A). It must include a specific strategy to eliminate

instances of noncompliance through statutory reform, changes in facility policy and procedure, or modification of court policy.

N/A

4. OUT OF STATE RUNAWAYS

Number of out of state runaways held beyond 24 hours in response to a want, warrant, or request from a jurisdiction in another state or pursuant to a court order, solely for the purpose of being returned to proper custody in the other state? 3

These juveniles may be excluded only if their presence created a noncompliance rate in excess of 29.4 per 100,000 juvenile population.

5. FEDERAL WARDS

Number of Federal wards held in the State's adult jails and lockups pursuant to a written contract or agreement with a Federal agency and for the specific purpose of affecting a jurisdictional transfer, appearance as a material witness, or for return to their lawful residence or country of citizenship? 12

These juveniles may be excluded only if their presence created a noncompliance rate in excess of 29.4 per 100,000 juvenile population.

6. RECENTLY ENACTED CHANGE IN STATE LAW

Describe recently enacted changes in state law which have gone into effect, and which can reasonably be expected to have a substantial, significant, and positive impact on the State's achieving full compliance within a reasonable time.

N/A

SECTION 223(a)(12)(B)

D. PROGRESS MADE IN ACHIEVING REMOVAL OF STATUS OFFENDERS AND NONOFFENDERS FROM SECURE DETENTION AND CORRECTIONAL FACILITIES

1. PROVIDE A BRIEF SUMMARY OF THE PROGRESS MADE IN ACHIEVING THE REQUIREMENTS OF SECTION 223(a)(12)(A).

See attachment 2

2. NUMBER OF ACCUSED AND ADJUDICATED STATUS OFFENDERS AND NONOFFENDERS WHO ARE PLACED IN FACILITIES WHICH (A) ARE NOT NEAR THEIR HOME COMMUNITY; (B) ARE NOT THE LEAST RESTRICTIVE APPROPRIATE ALTERNATIVE; AND, (C) DO NOT PROVIDE THE SERVICES DESCRIBED IN THE DEFINITION OF COMMUNITY-BASED.

-0-

SECTION 223(a)(13)

E. SEPARATION OF JUVENILES AND ADULTS

The information required in this section concerns the separation of juveniles and incarcerated adults in residential facilities which can be used for the secure detention and confinement of both juveniles offenders and adult criminal offenders.

Adequate separation means adult inmates and juveniles cannot see each other and no conversation is possible. Separation may be established through architectural design or time phasing use of an area to prohibit simultaneous use by juveniles and adults.

1. BASELINE REPORTING PERIOD August 31, 1975 - September 1, 1976
-

2. WHAT DATE HAS BEEN DESIGNATED BY THE STATE FOR ACHIEVING COMPLIANCE WITH THE SEPARATION REQUIREMENTS OF SECTION 223(a)(13)?

Full compliance was achieved with the submission of the 1984 Monitoring Report.

3. TOTAL NUMBER OF FACILITIES USED TO DETAIN OR CONFINED BOTH JUVENILE OFFENDERS AND ADULT CRIMINAL OFFENDERS DURING THE PAST TWELVE (12) MONTHS.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>80</u>	<u>0</u>	<u>0</u>
Current Data	<u>10</u>	<u>10</u>	<u>0</u>
Adult Jails	<u>5</u>	<u>5</u>	<u>0</u>
Adult Lockups	<u>5</u>	<u>5</u>	<u>0</u>

4. NUMBER OF FACILITIES IN EACH CATEGORY RECEIVING AN ON-SITE INSPECTION DURING THE CURRENT REPORTING PERIOD TO CHECK THE PHYSICAL PLANT TO ENSURE ADEQUATE SEPARATION.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>101</u>	<u>101</u>	<u>0</u>
Current Data	<u>82</u>	<u>82</u>	<u>0</u>
Adult Jails	<u>64</u>	<u>64</u>	<u>0</u>
Adult Lockups	<u>18</u>	<u>18</u>	<u>0</u>

5. TOTAL NUMBER OF FACILITIES USED FOR THE SECURE DETENTION AND CONFINEMENT OF BOTH JUVENILE AND ADULT OFFENDERS WHICH DID NOT PROVIDE ADEQUATE SEPARATION OF JUVENILES AND ADULTS.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>69</u>	<u>69</u>	<u>0</u>
Current Data	<u>5</u>	<u>5</u>	<u>0</u>

Adult Jails	<u>3</u>	<u>3</u>	<u>0</u>
Adult Lockups	<u>2</u>	<u>2</u>	<u>0</u>

6. TOTAL NUMBER OF JUVENILES NOT ADEQUATELY SEPARATED IN FACILITIES USED FOR THE SECURE DETENTION AND CONFINEMENT OF BOTH JUVENILE OFFENDERS AND ADULT CRIMINAL OFFENDERS DURING THE REPORT PERIOD.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>3,523</u>	<u>3,523</u>	<u>0</u>
Current Data	<u>15</u>	<u>15</u>	<u>0</u>
Adult Jails	<u>7</u>	<u>7</u>	<u>0</u>
Adult Lockups	<u>8</u>	<u>8</u>	<u>0</u>

7. PROVIDE A BRIEF SUMMARY OF THE PROGRESS MADE IN ACHIEVING THE REQUIREMENTS OF SECTION 223(a)(13).

(This summary should discuss the extent of the state's compliance in implementing Section 223(a)(13), and how reductions have been achieved, including the identification of state legislation which directly impacts on compliance. Discuss any proposed or recently passed legislation or policy which has either positive or negative impact on achieving or maintaining compliance. Attach additional sheets as necessary.)

See Attachment 3.

DESCRIBE THE MECHANISM FOR ENFORCING THE STATE'S SEPARATION LAW.

The number of facilities which can be used for the secure detention and confinement of both juvenile and adult offenders has fallen sharply because of overcrowding in the adult jail population. Facilities which no longer hold juveniles are required to register their intentions with LCLE and, if acceptable, are certified. To assure continued compliance with their certification, such facilities are continuously monitored by means of two independent, cross-verifying data sources.

SECTION 223(a)(14)

F. REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS.

The information in this section concerns the removal of juveniles from adult jails and lockups as defined in the current OJJDP regulation.

1. BASELINE REPORTING PERIOD September 1, 1980 - August 31, 1981
 CURRENT REPORTING PERIOD September 1, 1989 - August 31, 1990

2. NUMBER OF ADULT JAILS

Enter the total number of facilities meeting the definition of adult jail as contained in the current OJJDP regulation.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>64</u>	<u>64</u>	<u>0</u>
Current Data	<u>64</u>	<u>64</u>	<u>0</u>

3. NUMBER OF ADULT LOCKUPS

Enter the total number of facilities meeting the definition of adult lockup as contained in the current OJJDP regulation.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>71</u>	<u>71</u>	<u>0</u>
Current Data	<u>76</u>	<u>76</u>	<u>0</u>

4. NUMBER OF FACILITIES IN EACH CATEGORY RECEIVING AN ON-SITE INSPECTION DURING THE CURRENT REPORTING PERIOD FOR THE PURPOSE OF VERIFYING SECTION 223(a)(14) COMPLIANCE DATA.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Current Data	<u>82</u>	<u>82</u>	<u>0</u>
Adult Jails	<u>64</u>	<u>64</u>	<u>0</u>
Adult Lockups	<u>18</u>	<u>18</u>	<u>0</u>

5. TOTAL NUMBER OF ADULT JAILS HOLDING JUVENILES DURING THE PAST TWELVE MONTHS.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>27</u>	<u>0</u>	<u>0</u>
Current Data	<u>5</u>	<u>5</u>	<u>0</u>

6. TOTAL NUMBER OF ADULT LOCKUPS HOLDING JUVENILES DURING THE PAST TWELVE MONTHS.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>13</u>	<u>13</u>	<u>0</u>
Current Data	<u>5</u>	<u>5</u>	<u>0</u>

7. TOTAL NUMBER OF ACCUSED JUVENILE CRIMINAL-TYPE OFFENDERS HELD IN ADULT JAILS IN EXCESS OF SIX (6) HOURS.

Enter the total number of accused juvenile criminal-type offenders held in all adult jails in excess of six hours during the report period. This number includes juveniles held in those counties meeting the removal exception criteria. This number should not include (1) status offenders and nonoffenders held (2) criminal-type offenders held less than six hours, and (3) juveniles held in adult lockups.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>141</u>	<u>0</u>	<u>0</u>
Current Data	<u>13</u>	<u>13</u>	<u>0</u>

8. TOTAL NUMBER OF ACCUSED JUVENILE CRIMINAL-TYPE OFFENDERS HELD IN ADULT LOCKUPS IN EXCESS OF SIX (6) HOURS.

Enter the total number of accused juvenile criminal-type offenders held in all adult lockups in excess of six hours during the report period. This number includes juveniles held in those counties meeting the removal exception criteria. This number should not include (1) status offenders and nonoffenders held (2) criminal-type offenders held less than six hours, and (3) juveniles held in adult jails.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>138</u>	<u>138</u>	<u>0</u>
Current Data	<u>20</u>	<u>20</u>	<u>0</u>

9. TOTAL NUMBER OF ADJUDICATED CRIMINAL-TYPE OFFENDERS HELD IN ADULT JAILS FOR ANY LENGTH OF TIME.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>**</u>	<u>0</u>	<u>0</u>
Current Data	<u>0</u>	<u>0</u>	<u>0</u>

10. TOTAL NUMBER OF ADJUDICATED CRIMINAL-TYPE OFFENDERS HELD IN ADULT LOCKUPS FOR ANY LENGTH OF TIME.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>**</u>	<u>0</u>	<u>0</u>
Current Data	<u>0</u>	<u>0</u>	<u>0</u>

11. TOTAL NUMBER OF ACCUSED AND ADJUDICATED STATUS OFFENDERS AND NONOFFENDERS HELD IN ADULT JAILS FOR ANY LENGTH OF TIME, INCLUDING THOSE STATUS OFFENDERS ACCUSED OF OR ADJUDICATED FOR VIOLATION OF A VALID COURT ORDER.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>60*</u>	<u>60*</u>	<u>0</u>
Current Data	<u>2</u>	<u>2</u>	<u>0</u>

12. TOTAL NUMBER OF ACCUSED AND ADJUDICATED STATUS OFFENDERS HELD IN ADULT LOCKUPS FOR ANY LENGTH OF TIME, INCLUDING THOSE STATUS OFFENDERS ACCUSED OF OR ADJUDICATED FOR VIOLATION OF A VALID COURT ORDER.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>60*</u>	<u>60*</u>	<u>0</u>
Current Data	<u>9</u>	<u>9</u>	<u>0</u>

* Total includes Adult Jails and Lockups.

** This information was not collected in the time period noted as the baseline time period.

13. TOTAL NUMBER OF ADULT JAILS AND LOCKUPS IN AREAS MEETING THE "REMOVAL EXCEPTIONION."

If the State has received approval from OJJDP pursuant to the removal exception contained in the current regulation, enter the number of adult jails and lockups located in those counties or jurisdictions which are outside a Metropolitan Statistical Area.

Baseline Data 12

Current Data 16

Provide the names of the adult jails and lockups and the county in which it is located. (Attach additional sheets as necessary).

See Attachment #1 _____

14. TOTAL NUMBER OF JUVENILES ACCUSED OF A CRIMINAL-TYPE OFFENSE WHO WERE HELD IN EXCESS OF SIX (6) HOURS BUT LESS THAN TWENTY-FOUR (24) HOURS IN ADULT JAILS AND LOCKUPS IN AREAS MEETING THE "REMOVAL EXCEPTIONS."

Enter the number of juveniles accused of a criminal-type offense who were held in excess of six (6) hours but less than twenty-four (24) hours in adult jails and lockups located in counties which are outside a Metropolitan Statistical Area.

The 24 hour period should not include weekends and holidays.

	<u>TOTAL</u>	<u>PUBLIC</u>	<u>PRIVATE</u>
Baseline Data	<u>3</u>	<u>0</u>	<u>0</u>
Current Data	<u>1</u>	<u>1</u>	<u>0</u>
Adult Jails	<u>0</u>	<u>0</u>	<u>0</u>
Adult Lockups	<u>1</u>	<u>1</u>	<u>0</u>

NOTE: The criteria for this exception includes the existence of a state law requiring detention hearings within 24 hours.

15. PROVIDE A BRIEF SUMMARY OF THE PROGRESS MADE IN ACHIEVING THE REQUIREMENTS OF SECTION 223(a)(14).

(This summary should discuss the extent of the State's compliance in implementing Section 223(a)(14), and how reductions have been achieved, including the identification of state legislation which directly impacts on compliance. Discuss any proposed or recently passed legislation or policy which has either positive or negative impact on achieving or maintaining compliance. Attach additional sheets as necessary.)

See Attachment #4

G. DE MINIMIS REQUEST: NUMERICAL

1. THE EXTENT THAT NONCOMPLIANCE IS INSIGNIFICANT OR OF SLIGHT CONSEQUENCE.

Number of accused juvenile criminal-type offenders held in adult jails and lockups in excess of six (6) hours, accused juvenile criminal-type offender, held in adult jails and lockups in non-MSA's for more than 24 hours, adjudicated criminal-type offenders held in adult jails and lockups for any length of time, and status offenders held in adult jails and lockups for any length of time.

TOTAL = 50

Total juvenile population of the state under 18 according to the most recent available U.S. Bureau of Census data or census projection 1,330,486.

If the data was projected to cover a 12-month period, provide the specific data used in making the projection and the statistical method used to project the data.

Data: N/A

Statistical Method of Projection: N/A

Calculation of jail removal violations rate per 100,000 population under 18.

Total instances of noncompliance = 50 (a)
Population under 18 = 13.30 (b)

$$\frac{50}{(a)} \div \frac{13.30}{(b)} = \frac{3.759}{\text{Rate}}$$

2. ACCEPTABLE PLAN

Describe whether an acceptable plan has been developed to eliminate the noncompliant incidences through the enactment or enforcement of state law, rule, or statewide executive or judicial policy, education, the provision of alternatives, or other effective means.

Yes

3. RECENTLY ENACTED CHANGE IN STATE LAW

Describe recently enacted changes in state law which have gone into effect, and which can reasonably be expected to have a substantial, significant, and positive impact on the State's achieving full (100%) compliance, or full compliance with de minimis exceptions, by the end of the monitoring period immediately following the monitoring period under consideration.

N/A

H. DE MINIMIS REQUEST: SUBSTANTIVE

1. THE EXTENT THAT NONCOMPLIANCE IS INSIGNIFICANT OR OF SLIGHT CONSEQUENCE.

- a. Were all instances of noncompliance in violation of or departures from state law, court rule, or other statewide executive or judicial policy?

Yes

- b. Do the instances of noncompliance indicate a pattern or practice, or do they constitute isolated instances?

No

- c. Are existing mechanisms for enforcement of the state law, court rule, or other statewide executive or judicial policy such that the instances of noncompliance are unlikely to recur in the future?

Yes

- d. Describe the State's plan to eliminate the noncompliant incidents and to monitor the existing enforcement mechanism. Continue monitoring efforts

with specific emphasis to eliminate juveniles being held

with timely placement.

JAIL REMOVAL EXCEPTION

6 HOURS OR MORE

JAIL	STATUS	DEL	UK	O-S	T
ASSUMPTION	0	0	0	0	0
CLAIBORNE	0	0	0	0	0
CATAHOULA	0	2	0	0	2
E. CARROLL	0	0	0	0	0
MADISON	0	0	0	0	0
LAFOURCHE	0	0	0	0	0
NATCHITOCHE	0	0	0	0	0
WASHINGTON	0	0	0	0	0
CONCORDIA	0	0	0	0	0
VIDALIA CITY JAIL (Concordia)	1	6	0	0	7
SABINE PAR. JAIL	0	0	0	0	0
MANY CITY JAIL (Sabine)	0	0	0	0	0
TENSAS PAR. JAIL	0	0	0	0	0
HAMMOND CITY JAIL (Tangipahoa)	0	0	0	0	0
AMITE CITY JAIL (Tangipahoa)	0	0	0	0	0
TANGIPAHOA PARISH JAIL	0	0	0	0	0
TOTAL	1	8	0	0	9

Section 223 (a)(12)(B)

Narrative:

The Louisiana Commission on Law Enforcement submitted our 1989 Monitoring Report in January, 1990.

During this compliance period, the State of Louisiana has continued to progress toward full compliance with the deinstitutionalization mandate of the JJDP Act.

We have detailed our strategies of grant targeting, technical assistance and legislation in each of our previous monitoring reports. Through a constant and vigilant process of introducing, monitoring and passing legislation, status offenders have been effectively removed from all of the state institutions. There were zero commitments to the Juvenile Reception and Diagnostic Center for "Evaluation Only" and Constructive Contempt for this monitoring period. There were no status offenders or non-offenders held in the LTI's during this monitoring period. The Office of Juvenile Services within the Department of Corrections has worked with the LCLE and the Governor's JJDP Advisory Board to effect and maintain the zero status offender population at the facilities under their jurisdiction.

Louisiana currently has ten juvenile detention facilities in the state with a total detention bed capacity of 271. During this monitoring period, over 3,000 juveniles were held in detention facilities. A new problem surfaced in 1985 and 1986 in detention facilities.

On December 27, 1984, the Louisiana Department of Public Safety and Corrections, Office of Juvenile Services entered into a Stipulation and Consent Decree with the United States District Court, Middle District of Louisiana to limit the juvenile offender populations at the five juvenile correctional institutions to 850 with corresponding staffing requirements. Since that time, the limit has been reduced to 814. The intent of the decree is to ensure that juvenile offenders in the correctional institutions are afforded the protection to which they are entitled under the Eighth Amendment of the United States Constitution. The decree which originally terminated July 1, 1988 or, absent the threat of Eighth Amendment violations as determined by the Court, prior to July 1, 1988, has been extended indefinitely.

When the federal court set a final cap, the in-house population was over the mandated cap. Admission was immediately halted to comply with the order. The result was an immediate increase in the number of committed adjudicated delinquents awaiting admission to DPS&C juvenile institutions. This number has gone as high as 200 juveniles awaiting a bed space at LTI. This court-ordered ceiling has had a negative impact on the juvenile detention facilities. They are now holding large numbers of juveniles (over one-half of facility capacity in many cases) post-adjudicatory in detention beds which are sorely needed for pre-adjudicatory juveniles. The negative effects of this will be discussed in great detail in Section 223(a)(14).

Section 223(a)(12)(B)

Narrative: (continued)

However, one of the beneficial effects of the detention bed shortage is that law enforcement and the judiciary are only putting the most serious and repeat juvenile offenders in detention. This "forced intake screening" has resulted in a decrease to an already small number of status offenders who are sent to detention. Most of the status offenders that are found during the monitoring are actually delinquents wanted in the state from which they have run away.

As with years past, for the report period our monitor and the DYS Interstate Compact Administrator checked each and every runaway processed through the Interstate Compact. Many of these children were not truly status offenders; many were on active warrants for delinquent offenses in other states, therefore, they were eliminated from our data. As you may recall, in an effort to alleviate this problem, the LCLE requested an opinion from the Louisiana Attorney General's Office relative to the Interstate Compact as well as alerting the Division of Youth Services who administers the Compact. An opinion from the Attorney General's office was written January 7, 1980. The opinion closes by stating, "Therefore it is the opinion of this Office that to the extent that the Interstate Compact on Juveniles (which allows for detention of out-of-state runaways) is in conflict with the provisions of the 1978 Louisiana Code of Juvenile Procedure (prohibiting such detention) the Interstate Compact is superseded by the Code of Juvenile Procedure.

The LCLE has circulated this opinion to law enforcement, judiciary, and state agencies. We have asked OJJDP in each report to investigate the incompatibility of the Interstate Compact and the JJDP Act and make the necessary changes from the federal level.

The state's six shelter facilities serve status and minor felony offenders and are a great aid to deinstitutionalization. Additional shelters are needed, but with the dire financial straits Louisiana is in, it is doubtful that new shelters will be opened in the immediate future. JJDP funds have greatly assisted the state's detention and shelter facilities. Many would not have opened their doors without these funds. Many would have closed their doors because of violation of state licensing standards without these funds. Deinstitutionalization has been made possible though the combined efforts of the LCLE, the Governor's Juvenile Justice and Delinquency Prevention Advisory Board, local authorities, the State Legislature, and numerous other public and private agencies and individuals.

Section 223(a)(13)Narrative

As we have indicated in previous reports, since 1972, the Louisiana Legislature has provided strong support to ensure that juveniles not come into contact with incarcerated adults. The Louisiana Legislature acted in 1972, in 1975, and again in 1979 to forbid the confinement of children in facilities where they could have regular contact with "criminal, vicious and dissolute persons." Further, recognizing the potential negative impact of a jail experience, especially on young children, the Legislature provided that a juvenile may only be held in such a facility if he/she is fifteen years of age or older, and then only in a room or ward entirely separate from adults. (Article 41, Code of Juvenile Procedure)

In view of the requirements of Section 223(a)(13) of the JJDP Act and the firm commitment of the Louisiana Legislature, the LCLE instituted a program of on-site monitoring of jails, detention facilities, and correctional facilities. Monitoring efforts revealed all subject facilities were separating juvenile and adult offenders as effectively as possible within the constraints of existing facilities. None of the facilities inspected were found to be permitting regular contact with incarcerated adults and juveniles. In none of the facilities monitored was it found that juveniles and adult offenders were being held in the same cell. Adult trustees are not used in any facility for the supervision of juvenile offenders.

Louisiana law has for many years been highly restrictive as to what type of youth and under what circumstances a child may be held in a facility which also holds adult offenders. Article 41 of the Code of Juvenile Procedure was amended during the 1987 Regular Session of the Louisiana Legislature to further restrict which juveniles may be held in adult jails and under what conditions. This legislation can be found in Appendix A. The segment of this legislation which is relevant to Section 223(a)(13) follows:

Article 41(A)(1)(c)

The child is kept entirely separate from the sight and sound of male and female adult offenders and given continuous visual supervision. However, no court may order such a child to be held in an adult jail or lockup unless the sheriff or the administrator of the adult jail or lockup has certified to the court that facilities exist to comply with the requirements set forth herein.

It is believed that this legislation will not only increase compliance with the separation requirements of the Act, but also deter such placements and provide greater supervision of juveniles when in jail.

There are three broad types of facilities in Louisiana which can, under certain circumstances, be utilized to hold juveniles as well as adult criminal offenders: adult correctional institutions operated by the State Department of Corrections, parish jails operated by the parish sheriff and city jails which are usually operated by a municipal police department or a town marshal. Regardless of the

Section 223(a)(13)

Narrative: (continued)

circumstances, a court order is required before a juvenile is placed in a parish or city jail.

The adult correctional institutions operated by the State Department of Corrections may hold juveniles only under very special circumstances. A juvenile offender or status offender (adjudicated as delinquent, child-in-need of supervision, neglected or abused by a court exercising juvenile jurisdiction) cannot be placed in adult correctional institutions. For a child to be placed in such an institution, it is necessary that the juvenile court of proper jurisdiction, after a formal hearing, transfer the case in question to a court of general criminal jurisdiction. Once this has been done, the child may be tried in that court as an adult. If convicted by the court of general criminal jurisdiction, the person in question will then be sentenced by the court as an adult and only then may be placed in an adult correctional institution as a criminal offender. Given these provisions of law, it is not possible to reclassify juvenile offenders as adult criminal offenders merely to circumvent the intent of Section 223(a)(13) of the JJDP Act.

Parish jails and city jails can be used for the secure detention of juvenile offenders and adult criminal offenders, but only under the conditions prescribed by Article 41.

The Louisiana Commission on Law Enforcement employs a full-time jail monitor who makes an annual on-site monitoring inspection of each facility identified as holding juveniles. The monitor makes more than one visit to facilities who request technical assistance or those which he feels need more attention.

A review of the data contained in this section for the current monitoring report shows that Louisiana has made substantial progress in its efforts to comply with the mandates of Section 223(a)(13) of the JJDP Act. A summary of the progress made from the baseline through the current year can readily be seen by reviewing the data in the table below:

NUMBER HELD BY LEVEL OF SEPARATION					
PERIOD	TOTAL NUMBER OF CHILDREN HELD	TOTAL SEPARATION	SIGHT BUT NOT SOUND SEPARATION	PHYSICAL SEPARATION ONLY	NO SEPARATION
Baseline	3,828	305	3,439	84	0
Current	50	35	15	0	0
Net Change	-3,778	-270	-3,424	-84	0

Section 223(a)(13)

Narrative: (continued)

It should be noted that the monitor found that all facilities inspected were separating juveniles from adult offenders as adequately as possible within the constraints of existing resources. In none of the facilities monitored was it found that juveniles and adult offenders were being held in the same cell. The Louisiana Commission on Law Enforcement continues to seek its goal of total removal of juveniles from the jail situation, and in this pursuit is receiving fine cooperation from the local officials involved. Without this cooperation, the collection and assimilation of the data presented here would not be possible.

Several obstacles currently stand in the way of effecting separation as noted above. First, and perhaps foremost, is the lack of special juvenile detention facilities or homes in the state. Currently, juvenile detention facilities operating in Louisiana are located in, and primarily serve, major metropolitan areas. For parishes outside of these areas, the juvenile detention facilities are often either too far away or charge more than the respective police juries are authorized to pay.

It should be noted that the juvenile detention facilities are locally controlled and financed and a parish wishing to utilize a facility operated by another parish must pay a specified fee (per child per day) to do so. The state average is \$65 per day. However, many of the parishes which find themselves in these circumstances are rural and consequently have a relatively poor tax base. Previously, money has not been available in most cases to provide for children to be transported to and held in special juvenile detention facilities. Districts have come to LCLE for assistance in this area. As a result, several detention reimbursement projects have made use of JJDP funds in areas throughout the state. These funds are used to reimburse facilities for holding juveniles from jurisdictions with no detention facilities. There is a component allowing for reimbursement for transportation. With support from local officials, these programs have begun and will continue to place juveniles in detention, when appropriate, thereby creating an alternative to adult jails. Construction of new facilities has not been possible because of fiscal constraints.

A further discussion of the problems and progress of detention follows in the narrative of Section 223(a)(14).

Another major obstacle, given the lack of totally separate and specialized juvenile detention facilities, is that most of the local jail facilities were not constructed for the absolute separation of juvenile and adult offenders. Most of these facilities have made special provisions for juvenile offenders so that they have no regular contact with adult inmates and are separate, at least by sight, from adult inmates. However, many still lack the capability to remove all "sound" contact, although the existing level of separation is sufficient to eliminate any regular communication between adult and juvenile offenders. The result of this is that while children in these facilities have no regular contact with adult inmates, they remain in the jail setting. This problem is even more intense for facilities which are originally constructed to house only adults. The extent of this condition is evidenced by the fact that in 1980, forty-two percent of the local jail facilities in the state were constructed prior to 1947.

Section 223(a)(13)

Narrative: (continued)

Since the physical constraints of many local jail facilities make the absolute separation of those juveniles who must be held from adult offenders impossible, many local authorities desire to build new facilities.

The LCLE is the state agency designated to review the architectural plans for construction/renovation of parish jails. Act 753 of the 1980 Regular Session of the Legislature provided for the Jail Standards and Assistance Program to be administered by LCLE. As part of this Act, LCLE is to "inspect and prepare reports on jail conditions at the request of the parish governing authority, a court, or on the commission's own initiative." LCLE, as a matter of policy, has always advised against construction of juvenile cells in reviewing these plans. The plans are then sent to the state's Division of Facility Planning and Control.

The federal court order to control and alleviate prison overcrowding which went into effect on June 30, 1982 is still in effect. The issues of prison overcrowding and their fiscal demands have put juvenile justice needs behind. Louisiana, like many other states, currently faces budget deficits and funds for new projects will be hard to attain.

Local law enforcement officials and units of local government are becoming increasingly aware of the problems and issues which arise from holding juveniles in jail. Since Louisiana began participating in the JJDP Act in 1975, the Louisiana Commission on Law Enforcement and the Governor's JJDP Advisory Board (SAG) have always had jail removal as their primary goal and viewed total separation as a temporary measure.

Section 223(a)(14)Narrative:

Louisiana took its most progressive legislative step concerning jail removal during the 1987 Regular Session of the Legislature. Through the combined and concerted efforts of the Governor's Juvenile Justice and Delinquency Prevention Advisory Board, the Governor's Prison Overcrowding Policy Task Force, the League of Women Voters, the Louisiana Sheriffs' Association, the Louisiana Council on Child Abuse, and the Louisiana Commission on Law Enforcement, Act 58 was passed by overwhelming majorities in both houses. This law further restricts who can be held in adult jails and lockups; specifies for what serious offenses only the youth may be held; requires a hearing to be held within 24 hours after the child is placed in an adult jail to determine the necessity of continued custody in such a facility and requires the court authorizing the continued custody to submit a report to the judicial administrator of the Supreme Court delineating appropriate reasons for the continued custody in the adult jail; requires a copy of this report to be sent to the Louisiana Commission on Law Enforcement and to the sheriff or chief of police of the facility in which the child is being detained; requires the total sight and sound separation of juveniles and adults; and requires continuous visual supervision of juveniles.

The Governor's JJDP Advisory Board continued to assess the political climate for jail removal since the passage of Senate Concurrent Resolution No. 98 during the 1985 Regular Session of the Legislature. The Resolution urges and requests that the courts and administrators of parish jail facilities support the removal of youths under the age of seventeen from adult jails and lockups. The Legislature, in this Resolution, also endorsed the goal of removing juveniles from adult jails and lockups by December 8, 1988. The passage of this legislation was the major legislative goal of the Governor's JJDP Advisory Board for that session. The chairman of the JJDP Advisory Board testified on behalf of the legislation.

The Board's original intent after the passage of SCR 98 was to propose legislation for the 1987 Session which would provide for the total removal of juveniles from adult jails and lockups. However, the backup in the adjudicated juvenile population awaiting bedspace in LTI, and the ripple effect this caused throughout the criminal and juvenile justice system, altered the Board's legislative plans.

On December 27, 1984, the Louisiana Department of Public Safety and Corrections, Office of Juvenile Services entered into a Stipulation and Consent Decree with the United States District Court, Middle District of Louisiana to limit the juvenile offender populations at the five juvenile correctional institutions to 814 with corresponding staffing requirements. The intent of the decree is to ensure that juvenile offenders in the correctional institutions are afforded the protection to which they are entitled under the Eighth Amendment of the United States Constitution. The decree which would have terminated July 1, 1988 or, absent the threat of Eighth Amendment violations as determined by the Court, prior to July 1, 1988, has been extended indefinitely.

Section 223(a)(14)

Narrative: (continued)

When the federal court set a final cap, the in-house population was over the mandated cap. Admission was immediately halted to comply with the order. The result was an immediate increase in the number of committed adjudicated delinquents awaiting admission to DPS&C juvenile institutions. This number has gone as high as 200 juveniles awaiting a bed space at LTI. This court-ordered ceiling has had a negative impact on the juvenile detention facilities. They are now holding large numbers of juveniles (over one-half of facility capacity in many cases) post-adjudicatory in detention beds which are sorely needed for pre-adjudicatory juveniles.

With the detention facilities being filled to capacity and having no room for juveniles arrested and awaiting a pre-adjudicatory hearing, law enforcement and the judiciary felt compelled to detain juveniles in jail. This resulted in juveniles being held in adult facilities where they had not been held for many years. This alarmed a great deal of people and actually formed the foundation of a broad-based coalition to pass restrictive jail legislation.

In line with the federal court order for prison overcrowding, Governor Edwards, by Executive Order in July, 1984, created the Governor's Prison Overcrowding Policy Task Force. This Task Force was created in conjunction with Louisiana's selection as one of five state recipients of the National Institute of Corrections' Prison Population Management Program. This program is designed to assist a top level policy group in each selected state in developing specific policy strategies to deal with the issue of prison population management and overcrowding.

The Governor designated the Louisiana Commission on Law Enforcement as the recipient agency for the program. The Commission serves as the coordinating agency for the state's efforts in developing policies for the control of prison populations since any such policies must be responsible to both state and local needs.

The Task Force was composed of top state officials, members of the legislature, and community leaders. With the staff of the task force coming from the LCLE, and the close working relationship with the Department of Public Safety and Corrections, Louisiana has been in a better position to assess not only prison overcrowding, but articulate and document why juveniles do not belong in jail.

The Task Force had as its number one priority in juvenile justice the removal of juveniles from adult jails and lockups. In preparation for the 1987 Regular Session of the Legislature, the Task Force agreed to legislation which would amend Article 41 of the Code of Juvenile Procedure, striking the language permitting the detention of juveniles in adult jails and lockups and amending Article 41 to allow such detention only under specific conditions.

Once this legislation was endorsed by the Task Force, LCLE staff and JJDP Advisory Board members presented the proposed legislation to the Louisiana Sheriffs' Association, Louisiana District Attorneys' Association, Louisiana Council of Juvenile and Family Court Judges, Louisiana City Court Judges'

Section 223(a)(14)

Narrative: (continued)

Association, Louisiana District Court Judges' Association, and community groups such as Rotary, Kiwanis, League of Women Voters and National Council of Jewish Women.

A media campaign with a series of press releases explaining the issues involved with detaining juveniles in adult jails and lockups, such as suicide, assaults, and legal liability, was released throughout the state and coordinated by LCLE staff and Board members.

A series of meetings were held with local officials in areas which held large numbers of juveniles in adult facilities. A detailed explanation of the JJDP Act, issues involved with detaining juveniles in adult jails and lockups, an inventory of available resources in the area, and the offer of technical and programmatic assistance for the area composed the agenda of such meetings. In many jurisdictions, this was the first time that all "players in the system", law enforcement, jailers, judiciary, prosecution, defense, probation, and detention, had gathered in one room to discuss the problems and solutions.

Packets of information on alternatives to jailing juveniles such as at-home detention, youth attendant programs, and volunteer foster families, were distributed and discussed.

LCLE staff and Board members set the tone of these meetings in a non-threatening, non-critical manner, but rather in one of mutual respect and understanding of particular problems and issues of the jurisdiction. Attendees were also given a copy of the proposed legislation, a "Juvenile In Jail Fact Sheet" and a copy of the current law.

By the time the legislation was heard in the Senate and House committees, all components of the system were familiar with its content and impact. This was also true of the legislators. The legislation passed by overwhelming majorities in both houses.

The legislation has been signed by the Governor and is now law. The Board and LCLE staff have begun to work with the judges', sheriffs' and district attorneys' associations in implementing the legislation. Each association held a post-legislative session meeting to explain newly passed legislation. Board members were on the agenda of these meetings as well as disseminating printed information. A reporting form on compliance and non-compliance with the legislation has been jointly designed by the Board and the Judicial Administrator of the Supreme Court's office for dissemination to judges. Monitoring data has shown that passage of Act 58 and development and dissemination of the form has had a positive impact on the number of juveniles held in adult jails. It is fully expected that this downward trend will continue.

The LCLE and JJDP Advisory Board voted to direct all future JJDP funds (FY 1987 and beyond) with the exception of second and third year continuation, for jail removal programs. Detention reimbursement and at-home detention projects are

Section 223(a)(14)

Narrative: (continued)

already ongoing in several areas of the state. The Board plans to continue its jurisdictional visits to problem areas.

Because of the positive results the meetings in local jurisdictions showed, the Board believed that if a person were able to work full-time with local officials in formulating removal strategies, the jail problem could be addressed more efficiently.

JJDP funds were used to create the position of "Jail Removal Specialist" to work under the supervision of the Advisory Board. The position title has been changed to "Jail Removal Alternatives Coordinator".

The Coordinator meets with local officials in areas in the state that are experiencing difficulties in permanently and continuously removing juveniles from adult jails and lockups. At these meetings, the provisions of the JJDP Act and Act 58 of the 1987 Regular Session will be explained. Potential solutions, placements, and alternate programs will be explored with local officials. The Coordinator, because of the full-time nature of the position, is available to assist local officials on a regular basis when needed to match problems with solutions and to be available to assist the Advisory Board in developing and implementing programming on a comprehensive statewide basis to effectuate the mandates of the JJDP Act and Act 58.

The Coordinator is also available to work with legislators and policymakers when programming and funding decisions are being made on the state level.

The Louisiana Commission on Law Enforcement continues to encourage agencies to take specific administrative actions to cease holding juveniles in secure adult facilities and continues to encourage the reporting of all violations of state law relative to the placement of juveniles in adult jails to the Louisiana Department of Justice or the Judicial Administrator's Office for further action. In this regard, the Louisiana Commission on Law Enforcement has entered into a cooperative agreement with the Division of Youth Services, Office of Juvenile Services, for establishing a formal mechanism by which violations may be dealt with immediately. This plan went into effect on October 4, 1982, and resulted in a "Youth In Jail Alert Form" which is completed for each youth who is found to be in jail. The "Youth In Jail Alert Form" is a valuable mechanism which can be used for effecting release of the juvenile from jail and for correcting violations. This form was retained when the Division of Youth Services was consolidated under the Office of Juvenile Services. The form is also an excellent tracking mechanism if a youth is transferred from a city to parish jail or vice versa. Information which is obtained for each juvenile, whose confinement in a jail alerts DYS staff, includes: name, address, and age of juvenile; name of jail; youth's admission (date and time); how DYS learned of the confinement; offense for which the youth is placed in jail; actions recommended to remove the youth from jail; data and time of release; person or program/facility to which the youth was released; if youth not removed from jail, reasons why this was not done; level of separation from adults (by actual observation); and DYS staff person who completed the "Youth In Jail Alert Form."

Section 223(a)(14)

Narrative: (continued)

Training sessions are held regularly at DYS State Office for all Regional Supervisors to explain the purpose and utilization of the form. The main thrust of the form is when regional staff become aware, through whatever means, that a juvenile is/was inappropriately or illegally detained in an adult lock-up facility, they are to immediately complete and submit to State Office the attached Youth In Jail Alert Form. Regional staff is also to "remind" local authorities of the locale of detention/shelter facilities in the area when applicable. State Office then notifies LCLE with a copy of the form. The form is also an invaluable tool for those facilities who have very poor record-keeping systems. It "jogs" the memory of administrators. The very presence of the form has reduced the length of stay of juveniles in jail and, in some areas, the practice has been eliminated. The Community Research Center featured the "Youth In Jail Alert Form" in their most recent publication of "It's Your Move." A copy of the form is sent by LCLE to its district office and to any Advisory Board members from that area. If a detention reimbursement program is operational, the district director and/or Board member calls the local officials to remind them of this other resource.

The Office of Juvenile Services had legislation passed during the 1987 Session which now has a juvenile being committed to the Department of Corrections and not specifically LTI. They believe that by controlling and assessing where a youth will be placed, the LTI backlog will decrease, and other more appropriate placements suitable to the juvenile's needs will be utilized. Final rulemaking, as required by the Administrative Procedure Act, was accomplished on December 20, 1987, and training of staff began shortly thereafter. OJS officials are hopeful that reducing the LTI backlog will also reduce overcrowded detention and deter jail usage.

The Office of Juvenile Services believes, "... that a systemic flow of juveniles which will be established throughout the juvenile system as different levels of care (non-institutional including non-residential) are implemented. As more alternatives to incarceration are provided, juveniles can be moved into facilities and programs that represent the appropriate level of care needed for the juvenile while protecting the public safety. This should have a two-fold effect: (1) reduce the average in-institution stay of LTI offenders (thereby increasing beds available) and (2) reduce the pressure that juvenile courts currently face because of a lack of alternatives to strict incarceration or group home care." (Department of Corrections memorandum, October 21, 1985)

Louisiana still faces the obstacles which it has outlined in previous reports: (1) fiscal constraints which severely limit the development and operation of alternative placement programs and facilities; (2) geographical obstacles which are characterized by several sections of the state which are without detention or shelter care facilities; and (3) the fragmentation of the juvenile system in Louisiana which results in a lack of uniform administrative policies on the placement of juveniles in adult jails and lock-ups.

The LCLE, through a process of intensified monitoring, grant targeting, legislation and technical assistance, has made progress in jail removal. It was

Section 223(a)(14)

Narrative: (continued)

back in 1975 when Louisiana held 3,828 juveniles in adult jails and lockups. Detention beds were few and far between. There was no shelter care, few group homes, and alternatives to jailing juveniles was a foreign concept.

Louisiana has come a long way and has a way to go, but through the cooperation of the judiciary, law enforcement, state and local government, juvenile detention and shelter facilities, communities will take the responsibility to assist the juvenile justice system in developing beneficial and cost-effective alternatives. The Louisiana Commission on Law Enforcement and the Governor's Juvenile Justice and Delinquency Prevention Advisory Board are committed to the removal of juveniles from adult jails and lock-ups and are dedicating all the juvenile justice funds at their disposal to do so. The Juvenile Justice and Delinquency Prevention Act has been an effective and powerful force in bringing about this change.