

A YOUTH JUSTICE DISASTER: A CASE STUDY AND SOLUTIONS

Hurricane Ida revealed that Louisiana's youth justice system is a disaster. This is how we clean it up.



FFLIC



2021-2022



ABOUT FAMILIES AND FRIENDS OF LOUISIANA'S INCARCERATED CHILDREN (FFLIC)

For twenty years FFLIC has stood in solidarity with directly impacted families, fighting for systems reforms that are supportive and healing, not punitive and harmful to youth. FFLIC's founding belief is that those most directly impacted by inequitable systems must be the leaders of this change.



BACKGROUND

How did this happen? How did we get here? These questions are asked time and time again when our government systems fail, and even harm, those whom they are supposed to serve, especially in times of crisis and disaster. In the case of incarcerated youth, the devastation of Hurricane Ida is a recent example of how the most vulnerable are also those most negatively impacted by deeply entrenched systems of inequity and oppression in our state. The transfer of youth to an adult facility during the storm provides a case study of how systems—including our public welfare and assistance, education, and justice systems—continue to fail to protect children and serve families with the most needs. The transfer also demonstrates how systems create additional trauma and harm on top of tragedy. It is clear that we need our government leaders to take full responsibility for allowing these harms to continue and commit to implementing best practices, policies, data, research, recommendations and laws that provide clear and effective solutions. Hurricane Ida and the resulting failures of leaders to adequately and appropriately evacuate our youth are the most recent example of government negligence, but the larger picture shows that it is not the first (*please view the report [“Treated Like Trash: Juvenile Detention in New Orleans Before, During, and After Hurricane Katrina”](#)*). Unless our leaders commit to the solutions that we know work, this will not be the last.

5 SOLUTIONS

1

**FULLY
IMPLEMENT
ACT 1225**

A full implementation of Act 1225 would provide community-based supports to prevent youth criminal involvement and provide rehabilitation.

2

**JJRAIC
REVIEW**

State and local entities must look to the Juvenile Justice Reform Act Implementation Commission for guidance and review.

3

**PROPER
ACCOUNT-
ABILITY**

We must ensure that the proper accountability mechanisms are in place to oversee services and care for youth.

4

EDUCATION

Louisiana must make access to quality education a greater priority.

5

**DOWNSIZE
PRISONS**

The Office of Juvenile Justice must continue to downsize by closing youth prisons.

SOLUTION 1:

The real solution is a commitment to fully implement Act 1225 of 2003 to provide holistic and community-based supports that prevent youth criminal involvement and rehabilitate young people when they make mistakes.

Children shouldn't be locked up in the first place, let alone in times of national crisis caused by a pandemic or during natural disasters. Act 1225 of 2003 was the call to action to fix our broken youth justice system and address historical and systemic injustice and abuses in Louisiana. Its passage closed the Tallulah Correctional Center for Youth—one of the country's most notorious youth prisons—and was intended to transform Louisiana's system into a model of holistic support for children, and move away from its ineffective punitive and carceral approach. But the promises of the act have not yet been fulfilled by state leaders, who abandoned complete implementation and regular evaluation of the law and continue to ignore best practices.

We must recommit to all of our children, including our most vulnerable, and to the implementation of Act 1225, which addressed reform through three main sectors of government, set out as chapters in the LA Revised Code: **Public Welfare and Assistance, Education, and Justice**. FFLIC, in turn, has also developed a three-point platform for our "Let Kids Be Kids" Campaign, which corresponds with these government sectors. We urge Louisiana's leaders to come together to holistically address the critical needs of children related to poverty, mental health, and education.



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SOLUTION 1: cont'd

Looking through FFLIC's lens, we believe that if state and local systems addressed children's mental health needs, education, and poverty, there would be less need for the justice system. Louisiana ranks last in the economic well-being of its children and 48th in education. Prison is the wrong place to meet mental health needs, but 73% of Louisiana's incarcerated children suffer from mental health challenges. The real solutions, outlined in Act 1225, must focus on the front end of the issue, including lifting families out of poverty and granting better access to mental health services and supports.

For the cost of incarcerating one child, we could serve dozens of children in community programs, which are far less expensive and far more effective at rehabilitation. Most Louisianans agree: 73% support a youth justice system focused on prevention and rehabilitation rather than punishment (GBAO Strategies, 2021, available at www.fflic.org). All we need is the political will of our elected officials to stop dumping money into the prison system and start investing in what actually works.

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SOLUTION 2:

State and local entities must look to the Juvenile Justice Reform Act Implementation Commission for guidance and review.

The Juvenile Justice Reform Act Implementation Commission (JJRAIC) was established under Act 1225 of 2003 (Act 1225), which passed in response to demands for reform by advocates. Act 1225 gave the JJRAIC the responsibility of the “continued reform” of youth justice laws. It has a number of duties and powers including, but not limited to:

- Review and comment on the Governor’s Children’s Cabinet report.
- Ask for data or assistance from state agencies.
- Identify and evaluate state delinquency programs and law enforcement practices and relationships.
- Report to the Governor’s office.

But, nearly twenty years later, our system is still ineffective, expensive, and harming generations of children. In part, that is because for years, state and local agencies did not effectively collaborate with the JJRAIC, and eventually the Commission completely gave up on the work and stopped meeting. In the meantime, dozens of state and local agencies have taken on pieces of the work without communication or coordination. It was not until the end of 2020 that FFLIC and other advocates pushed through House Bill 100, which added FFLIC to the Vice-Chair position and called for the JJRAIC to meet four times a year, beginning in January of 2021, to reignite its mission. Before that, the JJRAIC had not met since 2016, even amid a pandemic when it's critical to coordinate care.

It is necessary that state and local agencies and entities (including, but not limited to, Children’s Cabinet, Department of Education, Office of Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, and Children and Youth Planning Boards) utilize and look to the JJRAIC as a coordinating body. They must provide timely and adequate information and reports to the JJRAIC in order for the JJRAIC to be effective. The powers of the JJRAIC should also include the ability to make emergency and/or unannounced visits to youth prisons to hear directly from staff and youth in the system. The JJRAIC depends on this critical information to support systems leaders in the coordination of their efforts and improving the quality of care and protection of our youth.



SOLUTION 3:

We must ensure that the proper accountability mechanisms are in place to oversee services and care for youth.

All of the leaders of our state agencies that deal with children are part of the Children's Cabinet, which exists "to lift children and their families out of poverty" (Office of the Governor). The Children's Cabinet is part of the Governor's office and is responsible for funds, programs, and services at the state and local level related to children and their families.

The Governor must fulfill his duty to ensure the full implementation of Act 1225 and Act 555, which gave the Children's Cabinet the responsibility to oversee the creation and functioning of Children and Youth Planning Boards (CYPBs) throughout the state of Louisiana. The CYPBs are supposed to "review, coordinate, prioritize, and measure all available local services and programs that address the needs of children and youth" (RS 46:1941.2). Thus, the Governor's Children's Cabinet and CYPBs should ensure that all government agencies on the state and local level have in place legal, adequate, up-to-date, and appropriate emergency response plans, including evacuation.

CYPBs are supposed to exist in each of the forty-two judicial districts, but today only five CYPBs are functional due to the Children's Cabinet's lack of accountability, allocation of funding, and coordination of the CYPBs. As a result, children and families are not receiving the level of programs and services they need, especially in times of tragedy and disaster. Moreover, local jurisdictions have not been held accountable to the Governor's Children's Cabinet for their failure to create and sustain functioning CYPBs.

Had the infrastructure and mechanisms of the CYPBs been in place as mandated by law, CYPBs could have reviewed local youth facility evacuation plans and reported to the Children's Cabinet to help policy leaders understand the most effective and efficient processes for evacuation and coordinate a statewide emergency plan.

WHAT THE SOLUTION WOULD LOOK LIKE

If our systems had been functioning before the storm hit, or even now, we would see an effective and efficient flow of information and coordination of systems. There would be opportunities for community co-development at each stage.

JJRAIC

The JJRAIC—utilizing their youth justice expertise and inviting in community stakeholders—would make recommendations for adequate and appropriate care, i.e., ensuring that youth are not sent to adult prisons.



CHILDREN'S CABINET

The Children's Cabinet would review the plans, work with community stakeholders, and send them to the JJRAIC.



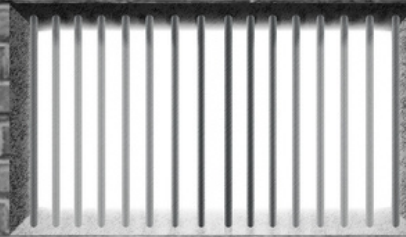
LOCAL CYPBS

The CYPBs would collect information about local youth facility evacuation plans and work with the community to address needed changes.

PUBLIC ACCOUNTABILITY

This document includes a clear path for systems improvements, but a fundamental first step towards ensuring a system that works for all children is inclusion. In Louisiana, Black youth are six times more likely to be arrested and charged than white youth (Racial Disparities in Youth Incarceration Persist, Sentencing Project, Feb 2021.). One fundamental step we can take towards more equitable systems is to be intentionally inclusive so that policies and practices are informed by and represent the best interests of communities. We need to continue to build collective power and ensure inclusion of Black, indigenous, and people of color at decision-making tables—as well as leadership at various levels of governance—to hold systems accountable to the communities they are mandated to serve. Increased transparency, inclusive representation, and regular evaluation are public accountability measures necessary to effectively monitor progress in improving life outcomes for all of Louisiana’s children. For that reason, we believe it is necessary to create a citizens accountability task force that is representative of the people and communities most impacted by youth incarceration.

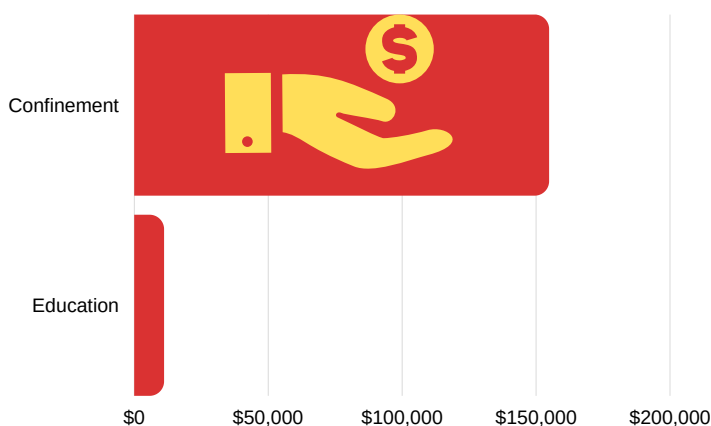
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SOLUTION 4:

Louisiana must make access to quality education a greater priority.

Louisiana ranks 48th among states in education ([U.S. News and World Report](#)). This clearly demonstrates that our policymakers and state leaders need to do a better job of prioritizing the education of children. In Louisiana it can cost \$155K/year to imprison a child, but only \$11K/year for public education ([nokidsinprison.org](#)). We know that poor school climate, lack of school connectedness, lack of teacher and administrative support, lack of school safety, and punitive school discipline policies and practices are associated with youth aggression and victimization, risk behaviors, exposure to violence, bullying involvement, poor school attendance, suspension, expulsion, school disengagement, and dropout (Place Matters for Education in Orleans Parish: A Community Health Equity Report on Educational Policies. 2014.). On the other hand, in a positive school climate—where students feel connected to their schools and have a sense of caring and closeness to teachers and the overall school environment—students report less victimization, demonstrate fewer aggressive behaviors, and cope more effectively (Id.). We must focus our education policies on ending the school-to-prison pipeline, where the systemic failures of the school, including zero-tolerance and harsh discipline policies, lead to dropout and criminal involvement.



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SOLUTION 5:

The Office of Juvenile Justice must continue to downsize by closing youth prisons. We must instead invest in community supports and rehabilitative services.

Youth criminal involvement and youth incarceration are declining and youth incarceration has dropped since 1997 (Alternatives to Adult Incarceration for Youth Certified As Adults. Campaign for Youth Justice.). Political and legal trends are moving in the direction of decarceration of youth, especially after the U.S. Supreme Court acknowledged the differences in youth brain development and culpability in several recent decisions that strike down extreme sentencing for court-involved youth.

In recent years, Louisiana passed “Raise the Age” legislation, which returns seventeen-year-olds to the juvenile justice system instead of the adult system. It is one of eleven states that implemented “Raise the Age” legislation, but it is the only state that now treats seventeen-year-olds as juveniles that continues to call for expenditures on new facilities. For instance, the OJJ is spending \$26 million on building an updated facility on the current grounds of Swanson Youth Center for Youth in Monroe, LA. This is despite the fact that several Louisiana facilities are operating at around one-third of capacity, meaning that only one-third of their beds are filled (Bringing More Teens Home: Raising the Age Without Expanding Secure Confinement in the Youth Justice System. Sentencing Project. June 25, 2021.).

Yet, despite these national trends, we are spending more money on a failing system. It cost \$424 a day to incarcerate a child in Louisiana in 2020. In 2003, it cost \$157 a day. We must stop investing in an ineffective and increasingly expensive system that does not rehabilitate youth or make the community any safer (Sticker Shock: The Cost of Youth Incarceration. 2020. Justice Policy Institute.).

SOLUTION 5: cont'd

Research has consistently shown that diversion and community supervision programs are more cost-effective than incarceration. Not only do community-based supervision programs for youth cost less than confinement, they increase the rehabilitative benefits to the youth, such as fewer youth reentering the system, better treatment, reduced stigma, and increased family participation (National Juvenile Justice Network. Community-Based Supervision: Increased Public Safety, Decreased Expenditures. 2014.).

We must continue to move away from ineffective and punitive methods, like spending millions on new youth prisons, to focus on community-based services and supports, rehabilitation and restorative justice, and policy changes that address education, poverty, and mental health. We can follow the leads of states including New York, Missouri, and the nascent efforts in California and Wisconsin.

During the hurricane season and throughout the pandemic, OJJ should have released as many children as possible. After all, 57% of incarcerated youth in Louisiana are in prison for offenses that did not involve either violence or weapons (Louisiana Partnership for Children and Families. Louisiana Platform for Children Report. 2015.). By ensuring that as many children as possible are receiving the supports and rehabilitation they need in their communities, we are also ensuring that the state is not overwhelmed in times of crisis. Right now, OJJ has admitted they are understaffed, creating dangerous situations for both the youth and staff. The state is already stretched and as a result they are failing to care for youth during “normal” times, let alone during more challenging times.

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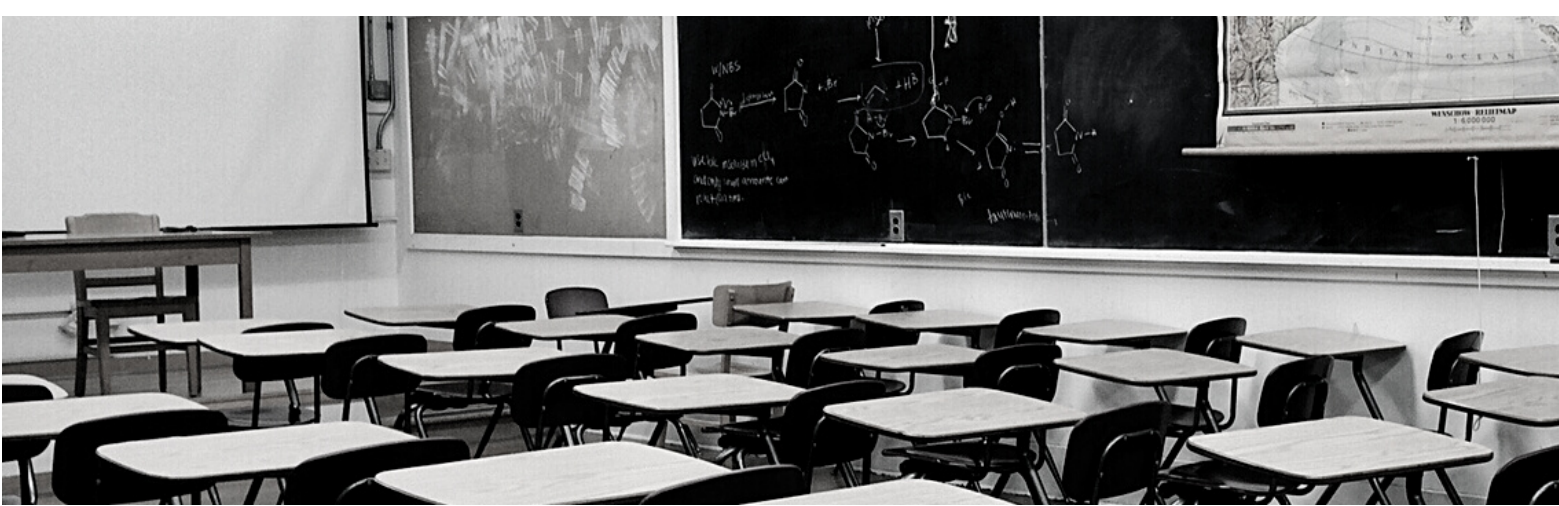


DEMANDS

Based on these clear solutions as a foundation, FFLIC is making the following additional demands for immediate changes:

- Ensure that the Governor's agenda includes functioning CYPBs as a priority to improve outcomes for youth and families, and ensure full funding and resourcing of the CYPBs
- A citizens accountability task force that is representative of the people and communities most impacted by youth incarceration
- A coordinated system of care to provide families with basic supports and protect children instead of punish them
- An investment in community-based services to prevent criminal involvement and provide adequate rehabilitation and restorative justice supports
- The release of youth from incarceration and closure of youth prisons
- Transitional support that includes access to housing, health care, and food
- A shift in the way our state and society views, comments on, and approaches crime among our youth, especially in policy and media
- The removal of school resource officers from schools
- Increase in school funding to provide counselors, peace builders, and positive behavior interventions and support and discipline
- Cessation of any and all policies, practices, tactics, tools, or activities that intentionally or unintentionally seek to disproportionately marginalize, contain, control, and terrorize youth





CONCLUSION

We Know What Works

We have a blueprint for a youth justice system that is based on best practices and research: Act 1225. Until we commit to full implementation of Act 1225, and provide the JJRAIC with the information it needs to help coordinate systems of care, we will continue to experience youth justice disasters, such as the one that recently occurred during Hurricane Ida. To prevent further and continuing harm, we must build system infrastructures and adhere to the policies and principles of the Act, including its recommendations for coordination of services. We know that community-based programs, providing treatment close to home, involving families and community supports in the therapeutic process, and providing seamless and effective care significantly improves outcomes for youth. This is why we are calling upon our leaders to stop investing in an ineffective and harmful incarceration system, and invest in the solutions that we know work in accordance with the demands listed in this document.



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