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THE LIFE OF A DELINQUENCY CASE IN NEW ORELANS

LOUISIANA
CENTER FOR
CHILDREN'S
RIGHTS



“Under our Constitution, the condition of being a boy does not justify a kangaroo court.”

-- *In re Gault*, 387 U.S. 1 (1967)





Who is in JJIC?

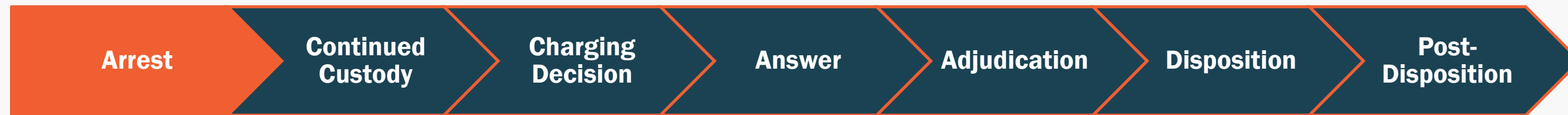
- Kids who are:
 - arrested and waiting for a detention hearing
 - Kids detained before their adjudication hearings
 - Kids detained for violations of probation or parole
 - Kids detained waiting to go into OJJ custody
- Can be + 17 years old
- Not under 13
 - For misdemeanors
 - According to JDAI standards

Who is Subject to Delinquency Prosecution?

Children who are all of the following:

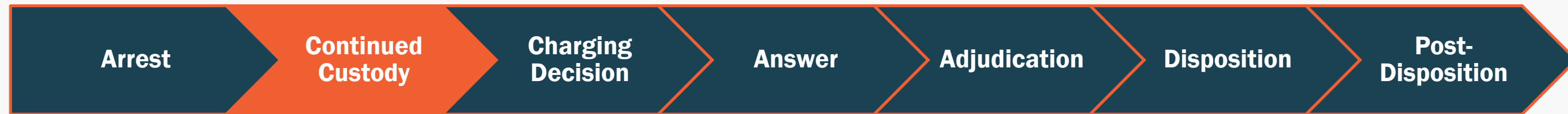
- 10 or over (Ch. C. 804(3)); *and*
- 20 or younger (Ch. C. 804(1)); *and*
- Are alleged to have committed an act which would be a crime if committed by an adult (but see exceptions in Ch. C. 804(3)); *and*
- Are, or were, under 17 at the time the delinquent act is said to have been committed (Ch. C. 804(1)); *and*
 - (Unless 17 and delinquent act allegedly occurred before March 1, 2019 and on/after April 19, 2024) (Ch. C. 804(1)(b))
- Have not been transferred to criminal court pursuant to Ch. C. 305 or Ch. C. 857 (Ch. C. 303).

Life of a Case: Delinquency Prosecution



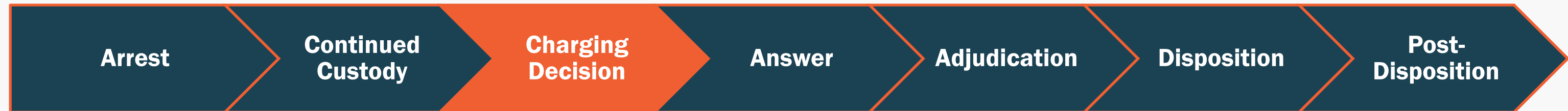
- Transportation to NOPD Juvenile Bureau for intake
- Child is detained or released according to intake policies

Life of a Case: Delinquency Prosecution



- Timing: Within **three days of arrest**, excluding holidays and weekends (Ch. C. 819)
 - But which day?!
 - What are attorneys and advocates doing during this time?
 - What do parents and guardians know?

Life of a Case: Delinquency Prosecution

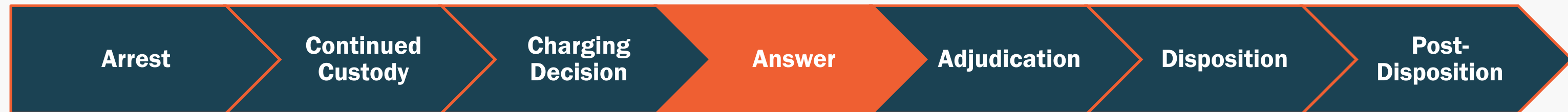


- District Attorney decides what they are going to do (Ch. C. 842 *et seq.*)
- Options:
 - Decline to prosecute completely
 - Offer diversion
 - Prosecute as FINS
 - Prosecute as delinquency, file a petition
 - Transfer to criminal court

- Sometimes long negotiations before a charging decision is made
- If case remains in juvenile court, often require a plea to a long sentence in secure care
- If case goes to CDC, moves slowly like other CDC cases

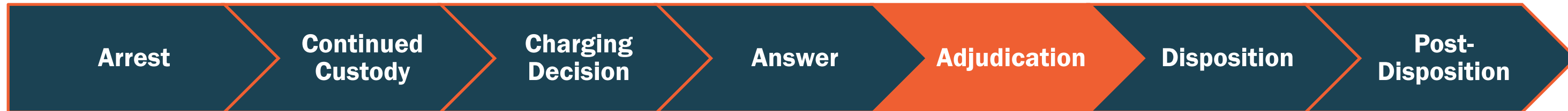
Transfer to Adult Court

Life of a Case: Delinquency Prosecution



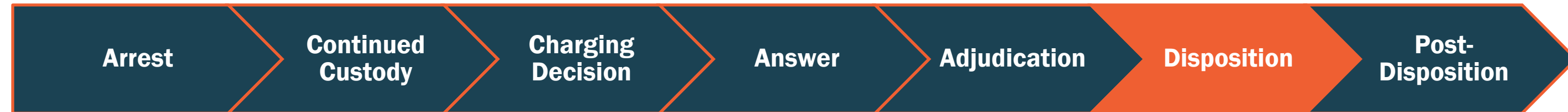
- Answer to the prosecution's charge – e.g., denial or admission (Ch. C. 856)

Life of a Case: Delinquency Prosecution



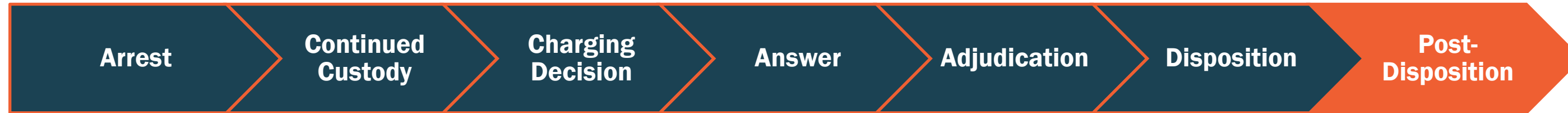
- Authority: Ch. C. 877 *et seq.*
- Timing, per Ch. C. 877:
 - 30 days from answer hearing for detained children who are not charged with a violent offense under R. S. 14:2
 - 60 days from answer hearing for detained children who are charged with a violent offense
 - 90 days from answer hearing for children who are not detained
- Children are protected by all constitutional rights applying in criminal trials – except for the right to trial by jury (Ch. C. 808)

Life of a Case: Delinquency Prosecution



- Authority: Ch. C. 886 *et seq.*
- Timing: Within 30 days of adjudication, absent a good-cause extension (Ch. C. 892)
- Sentences/ Dispositions:
 - Admonishment →
 - Inactive probation →
 - Active probation →
 - Non secure care (OJJ) →
 - Secure care (OJJ)
- All can be up until 21 years old!

Life of a Case: Delinquency Prosecution



- Authority: Ch. C. 904 *et seq.*
- Timing:
 - Case remains open until child is no longer under the supervision of the juvenile justice system (case closed/child turns 21)
- Possible hearings resulting in detention:
 - Probation review
 - Revocation hearing
 - Contempt hearing

- Arraignment →
- Motions Hearing →
- Trial →
- Sentencing

Criminal District Court Procedures

Childhood Trauma

An event that a child finds overwhelmingly distressing or emotionally painful, often resulting in lasting mental and physical effects.

2x
more likely to
develop
DEPRESSION

3x
more likely to
develop
**ANXIETY
DISORDERS**

Common causes:

 Child abuse (physical, emotional, sexual)

Grief



Witness/victim
of violence



War/Terrorism



Neglect

Medical
trauma



Substance misuse



Mental illness



Bullying in school

Separation
from loved ones



LONG-TERM IMPACTS:

Affects perception of reality



Takes away sense of safety



Wires brain to expect danger

Increases stress hormones flowing
through the body



Triggers fight, fright or freeze response



Creates a sense of helplessness



Creates relationship problems

Results in serious behaviour
problems



“The initial trauma of a young child may go underground but it will return to haunt us”
James Garbarino

**PREFRONTAL
CORTEX (PFC)**

"Thinking Centre"

Underactivated

Difficulties concentrating
& learning.

A traumatised
brain is
"bottom
heavy"

**ANTERIOR
CINGULATE
CORTEX (ACC)**

"Emotion Regulation Centre"

Underactivated

Difficulties with managing
emotions.

AMYGDALA
"Fear Centre"

Overactivated

Difficulty feeling safe,
calming down, sleeping

Complex Trauma: a
result of repetitive,
prolonged trauma



www.70-30.org.uk
@7030Campaign

Trauma

Reduces the ability to respond, learn, or figure things out, which can result in problems in school.

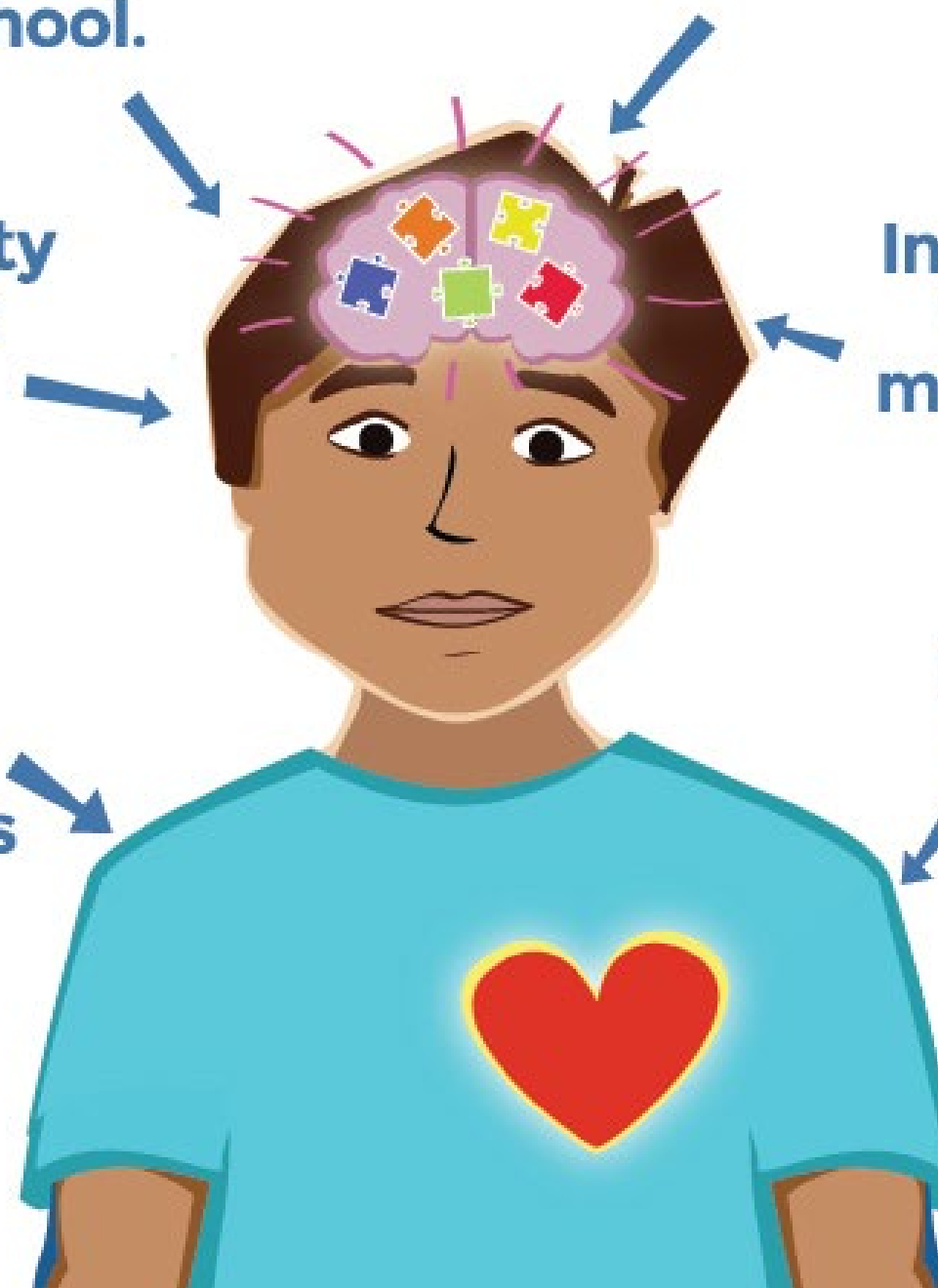
Lowers tolerance for stress, which can result in behaviors such as fighting, checking out or defiance.

Increases difficulty in making friends and maintaining relationships.

Increases problems with learning and memory, which can be permanent.

Increases stress hormones which affects the body's ability to fight infection.

May cause lasting health problems.



Trauma-Informed Care (TIC)

The Four R's of TIC

1

Realize

All people at all levels have a basic **realization** about trauma, and how it can affect individuals, families, and communities.

3

Respond

Programs, organizations and communities **respond** by practicing a trauma-informed approach.

Recognize

People within organizations are able to **recognize** the signs and symptoms of trauma.

2

Resist Re-Traumatization

Organizational practices may compound trauma unintentionally, trauma informed organizations avoid this **re-traumatization**.

4

Things to remember



More things to remember

- Don't talk to kids about their cases, refer them to their defense team.
 - You can be called as a witness against them
- Communicate with defense team if you think you have info they need.
 - Including advocacy for the client
- Let us know if you have questions!

Thank you!



Sam Marrone

smarrone@lakidsrights.org

Hannah Van De Car

hvandecar@lakidsrights.org