

LOUISIANA VIOLENT CRIME TASK FORCE



Report to the Legislature
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DRAFT

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LEGISLATIVE BACKGROUND

The Louisiana Violent Crime Task Force (Task Force) was created by the Legislature during the Regular Session of 2023 through the passage of House Resolution 168, which was enrolled in June 2023.

MEMBERSHIP OF THE TASK FORCE

The Task Force is composed of thirteen (13) members representing various stakeholders from the legislature, judiciary, the attorney general, district attorneys, law enforcement, public defenders, pardon and parole officials, and other relevant interest groups.

PURPOSE OF THE TASK FORCE

Pursuant to HR 168, the purpose of the Task Force is to: 1) Gather and evaluate data and information from relevant stakeholders regarding the various aspects of the criminal justice system in Louisiana before and after the criminal justice reforms, including arrests, charges, prosecutions, sentences, probation and parole activity, incarceration, and recidivism; (2) Evaluate and develop a plan of action to address areas of concern identified through the gathering and evaluation of criminal justice data and information; and (3) Recommend any legislative priorities necessary and appropriate for the incoming legislature and new administration to consider for the upcoming legislative sessions to accomplish all identified goals of true criminal justice reform that reduces crime and recidivism in Louisiana while improving public safety and strengthening our communities.

MEETINGS OF THE TASK FORCE

The Task Force held meetings on the following days: September 18th, October 18th, December 5th, and December 28th of 2023. The following is a summary of the minutes of each:

September 18, 2023 Task Force Meeting

The first meeting was held on September 18, 2023. The meeting was called to order by the Chairman, Attorney General Jeff Landry at approximately 9:00 AM. Chairman Landry offered introductory remarks highlighting the purpose of the Task Force as well as a brief summary of the current state of our criminal justice system. Chairman Landry concluded his remarks and identified Assistant Attorney General (AAG) Christopher N. Walters as

his designee for the Task Force moving forward. AAG Walters provided a brief summary of the objectives of the Task Force as set forth in House Resolution 168 of the 2023 Regular Session.

Following this brief summary, AAG Walters requested a motion from the Task Force authorizing the Task Force staff to make requests for data and information from the relevant state agencies and stakeholders within the criminal justice system and to compile that data and information to be provided to the Task Force membership. Mr. Starns agreed to offer such motion, which was seconded by Mr. Lampert, and that motion was adopted without objection by the Task Force.

AAG Walters briefly informed the Task Force regarding the anticipated plan for the Task Force meetings moving forward. AAG Walters urged and invited Task Force members to reach out to all interested stakeholders and encourage stakeholders to provide any relevant input to the Task Force. Further, AAG Walters provided the email contact for the Task Force, lvctf@ag.louisiana.gov, and urged the Task Force members to identify and submit to Task Force staff any relevant individuals or entities who the member may wish to invite or request to give testimony before the Task Force at any future meetings. The Task Force then opened the meeting for public comments, and several members of the public offered comments to the Task Force. Following public comment, the meeting was adjourned.

October 18, 2023 Task Force Meeting

The second meeting was held October 18, 2023 at the Louisiana State Capitol in House Committee Room 5. Chairman Walters called the meeting to order at approximately 2:00 p.m. All Task Force members were present for the meeting. Following approval of the minutes of the September 19, 2023 meeting, the Task Force requested and received several individuals providing public comments as well as asking and receiving responses from members of the public as necessary to gather additional information.

The Task Force then received presentations of data and information from relevant stakeholders. The first presentation was given by representatives of the Louisiana Legislative Auditor's office who informed the Task Force of its current work and progress on an audit project relating to the performance and outcomes of the Justice Reinvestment legislative reforms. Representatives of the Auditor's office then answered questions from the Task Force members. The next presentation was given by the Louisiana Sheriff's Association, Executive Director Michael Ranatza, and following the presentation, Executive Director Ranatza then provided responses to questions from the Task Force members. The next presentation was given by Natalie Laborde, Executive Counsel for the

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Louisiana Department of Public Safety and Corrections (DPSC) as to the data and information provided to the Task Force by the DPSC. Ms. Laborde then responded to questions from the Task Force members. The next presentation was given by the Louisiana Office of Juvenile Justice, presented by Deputy Secretary Curtis Nelson, Assistant Secretary Courtney Myers, and Undersecretary Jason Starns from the Office of Juvenile Justice (OJJ). Following the presentation, OJJ representatives responded to the questions from the Task Force members. The final presentation was given to the Task Force by the Louisiana District Attorneys Association (LDAA), Executive Director Loren Lampert. Following the presentation, Executive Director Lampert responded to questions from the Task Force members.

After a request from Chairman Walters for Task Force members to review the data and information provided, Chairman Walters urged Task Force members to prepare any proposals and recommendations for legislative action to be raised and discussed at the next Task Force meeting. Following the conclusion of all remaining business, the Task Force was adjourned.

December 5, 2023 Task Force Meeting

The third meeting was held on December 5, 2023 at the Louisiana State Capitol in House Committee Room 6. The meeting was called to order by Chairman Walters at approximately 9:30 a.m. After calling the roll and approving the minutes of the October 18, 2023 meeting, the Task Force received additional presentations from relevant stakeholders. Task Force member, Mr. Michael Williamson, called Mr. Tom Costanza from the Louisiana Conference of Catholic Bishops to provide testimony. Mr. Costanza spoke about his previous efforts to establish reentry programs, reduce recidivism, and promote rehabilitation. Mr. Costanza then responded to questions from Task Force members.

Following this presentation, Chairman Walters then moved to the next item on the agenda which was request for and discussion of proposals for legislative action. Task Force members were charged with providing broad guidance and recommendations, so that the incoming legislature could shape the proposals as it sees fit.

Representative Bacala recommended that legislation focusing on improving and expanding data collection in the criminal justice system; specifically, the tracking of inmates released early and their outcomes. He also mentioned that Louisiana needs to improve its criminal records case tracking and data sharing. Victims should be able to track their own cases. Mr. Peyton called for any legislation arising from Task Force recommendations to include performance metrics to better track if changes are effective.

Mr. Ranatza said data points should include access to health records confined within the DPSC and disciplinary records within the DPSC system. Mr. Lampert called for transparency in sentencing so that, when a sentence is delivered in a courtroom, the various stakeholders have a real understanding of the expectations regarding imprisonment.

Representative Villio then pointed out that violent juvenile crime has doubled over the last seven years, according to data provided by the OJJ and others. Based on the data obtained pertaining to violent juvenile crime, the legislature should address the mounting public safety concerns as they relate to the housing of violent juvenile offenders, the secrecy around violent juvenile offenders, and the system and public safety issues relating from raise the age. Mr. Ranatza and Representative Bacala added that juvenile offenders need adequate housing so they can be held securely and in close proximity to the location of their court hearings.

Representative Fontenot pointed out that convicted felons in possession of firearms is a driving factor in crimes of violence. The legislature should revisit mandated minimum sentencing upon initial conviction and upon violation of parole. Representative Bacala added that if someone is convicted of a violent crime and then rearrested with a firearm, the terms of bail should be reformed to keep repeat violent criminals off the street.

Representative Villio said the report should include recommendations for victims' rights and victims' services regarding programs, and reform to pardon and parole with regard to victim notification. Representative Bacala said that victims are frustrated by the pace of the justice system and that a more expedient process is necessary in order to provide a strong deterrence.

Representative Fontenot said we should incentivize citizens to become law enforcement officers and incentivize those officers to stay in law enforcement. Mr. Ranatza highlighted the need for reserve police officers, reserve deputy sheriffs, and part time employees. He said steps should be made to certify them, working with the POST council, and adjust salaries to be competitive with other parts of the country.

Representative Muscarello notified the Task Force he would bring a bill requiring mandatory mental health counseling as a condition of probation and parole. Initially, Tangipahoa Parish would serve as a pilot for the program. Representative Jordan pointed out the need for mental health services for people currently incarcerated as well. Mr. Ranatza pointed out that mental health records, upon release and after counseling, need to be collected. Chairman Walters mentioned the role that drug courts play in solving recidivism and addressing mental health challenges. Representative Fontenot said that

DPSC programs addressing mental health should be brought by the DPSC to the local parish facilities that house large numbers of inmates. Representative Bacala mentioned that it is now, post-JRI, much harder to violate parole and that those reforms should be studied to determine if too much leeway is being given.

Chairman Walters pointed out that the Task Force has received all of the requested data and taken comments from the public and the membership and has now heard member proposals. One final meeting will be needed to review the draft report and vote on it.

The Task Force then opened the meeting for any public comments regarding the recommendations and proposals put forth and discussed by the Task Force. No members of the public present wished to provide any public comments or statements to the Task Force membership. Following this, Chairman Walters then moved to adjourn, seconded by Representative Villio, and without objection, the meeting adjourned at approximately 11:00 a.m.

TASK FORCE'S FINDINGS

The Task Force received input, information, and data from numerous stakeholders regarding the criminal justice system in Louisiana, including reforms made during the Edwards Administration. After thorough review and discussion of these issues, the Task Force offers the following findings in conjunction with the proposed legislative recommendations for consideration by the legislature and the citizens they represent.

a. Current Issues and Areas of Improvement Identified in the Louisiana Criminal Justice System

The Task Force recognizes that violent crime in Louisiana is among the highest in the Nation. Indeed, three of Louisiana's largest cities have recently been ranked in the top 10 most dangerous cities in the nation, with New Orleans being ranked in the top 10 most violent cities in the world. The Task Force recognizes the vital need for reform to our current criminal justice system to address the problem of violent crime in this state, to address the alarming increase in juvenile violent and other crimes plaguing our communities, to address the dire shortfall of trained law enforcement officers across this state, in both our bigger cities and smaller rural communities, to address a concerning gap in reliable and comprehensive data throughout the criminal justice system, to address our dismal recidivism rates by identifying rehabilitative programs that are successful and increasing offender participation in those programs, and finally, to

address the lack of prioritization, protection, and empowerment of our victims and communities in order for us to rebuild this state and flourish once again.

After reviewing and assessing the information made available and the input provided, the Task Force has identified the most pressing issues facing Louisiana's current criminal justice system. To begin, the Task Force received data from the DPSC and other stakeholders that the average length of time served by an inmate is actually less than fifteen percent (15%) of their actual sentences. Moreover, the data shows that less than five percent (5%) of Louisiana's prison population is serving more than thirty years, and in fact, the average time served by a violent offender is less than six years. In addition, the JRI reforms, which made it much more difficult to revoke an offender's probation or parole sentence for violations of their supervision, led to an approximately fifty percent (50%) reduction in probation revocations between 2016 and 2020. With respect to specific crimes, the Task Force also was presented with data and heard testimony that violent crimes such as convicted felons in possession of firearms have increased greatly in recent years due to reductions in penalties and emphasis on prosecuting these crimes.

With respect to recidivism, the Task Force notes that an astounding fifty-five percent (55%) recidivism rate for habitual offenders with three prior felony convictions, according to data provided by the DPSC and using their own recidivism calculations. Additionally, the Task Force notes that the LDAA shared information with the Task Force from their internal data collection which showed an alarming trend. Specifically, the LDAA shared that as a result of the JRI reforms, in November 2017, approximately 1,948 inmates were released from custody in Louisiana. And, as of October 31, 2022, a mere five years later, approximately fifty-five percent (55%) of those inmates released had been rearrested, with approximately 2,445 arrest events. That's arrest events, not charges, which means those arrest events could potentially equate to 10,000 new criminal charges for those inmates released. Even further alarming, the LDAA shared that approximately one-third (1/3) of those inmates released had been rearrested for violent crimes and sex offenses. Finally, it must be noted that this data from the LDAA paints a much clearer and darker picture of the true recidivism problem than the data provided by the DPSC, which does not register arrests or even convictions where the offender does not get sent back to the DPSC as part of their recidivism numbers.

As to juvenile crime, the Task Force was presented with significant data and information from relevant stakeholders showing the intolerable increases in both the quantity and severity of crimes committed by juveniles in this state since the JRI reforms and the so-called "Raise the Age" initiative in 2016 and 2017. Indeed, according to data provided by the Office of Juvenile Justice from fiscal years 2016 to 2023, the number of juveniles in Louisiana adjudicated of a violent offense increased from 1,408 to 2,199, an increase of

approximately fifty-six percent (56%) since those reforms. Additionally, the OJJ data shows increases in the percentage of juveniles adjudicated for homicide, assault and battery, sex offenses, and weapons offenses, with some increases being substantial. Finally, as noted by Task Force membership, the OJJ data does not even include the increases in violent crimes committed by juveniles and transferred to the adult court system.

Notwithstanding the data and information that was provided, the Task Force also recognizes concerning gaps in the data and information from our criminal justice system that is currently available to policy makers, victims, and the general public. This lack of available and comprehensive data and information is troubling in the adult criminal court system but even more alarming when it comes to the juvenile court system. Time and again, Task Force members noted missing or incomplete data on crime reporting, a dearth of readily available information on what is happening in our courtrooms on a daily basis, from the setting of bail for offenses to the ultimate resolution and sentence of offenders, and even gaps in criminal history information across law enforcement agencies. Perhaps most alarmingly, the Task Force recognizes that there is virtually no data or information coming from our juvenile courts, with these courts unable or unwilling to even provide docket information for those cases deemed to be public proceedings to an almost complete prohibition on releasing records and information about how juveniles are being adjudicated for serious offenses, what dispositions (or sentences) are being handed down, or as recently observed, even when and the circumstances surrounding juvenile escapees. All of these gaps and missing information leaves victims, policy makers, and the general public largely in the dark about how our criminal justice system is functioning and where changes are most needed.

Finally, the Task Force was presented with significant data, information, and testimony concerning the dangerous shortfall in the number of law enforcement officers across this state and an alarming decrease in the level of support felt by our brave law enforcement officers currently working around the clock to keep us safe. The Louisiana Sheriffs' Association and other stakeholders provided information and testimony about the current staffing levels for many of our major law enforcement agencies across this state as well as the difficulties in recent times with recruiting new officers for many of these law enforcement agencies. These issues appear to arise from numerous factors including, but not limited to, lower salary ranges compared to other states and other career fields, increasing workloads and responsibilities on our current officers, and increasing liability and risk on our officers in the performance of these ever-increasing law enforcement duties.

b. Task Force Recommendations to Address the Identified Issues and Improve the Louisiana Criminal Justice System

The Task Force has reviewed and discussed numerous ideas and proposals to tackle the issues identified in our criminal justice system and improve the functioning and outcomes within the system. The Task Force submits the following recommendations that the incoming legislature should review and prioritize when crafting legislative proposals for the upcoming legislative sessions.

i. Recommendation: Address the Serious Issues with Data and Lack of Transparency in the Criminal Justice System

The Task Force recognizes the need for more data and information regarding the various functions of the criminal justice system as well as the need for greater transparency for the public as to what is happening in the criminal justice system on a day-to-day level. The Task Force hereby recommends that the legislature craft legislation to address these serious needs, make this information more accessible to victims and the public, and find additional ways to prioritize data gathering and sharing amongst our law enforcement agencies and courts across this state to be able to rely upon accurate and comprehensive data to improve and strengthen our criminal justice system well into the future. The Task Force also hereby recommends that the legislature craft legislation to protect and empower our victims throughout the criminal justice process, including ensuring that victims have access to all relevant information, that they receive timely notifications prior to actions taken affecting them, including pardon and parole hearings, and that the victims' rights and services are placed well ahead of the convicted criminals who victimized them.

ii. Recommendation: Address the Mounting Public Safety Crisis with Violent Juvenile Crime and our Juvenile Justice Facilities

As noted above, the Task Force recognizes the alarming crisis occurring across this state with violent juvenile crime, reduced consequences and responsibility for serious offenses committed by juveniles, both in our communities and in our juvenile justice facilities, and the difficulties encountered by state and local law enforcement agencies housing these older and more violent juvenile offenders within the juvenile justice system. These issues not only affect the older juveniles who are not facing appropriate consequences for their serious criminal behavior, but it is also affecting the younger juvenile population in our juvenile system who are falling victim to and whose rehabilitation is being seriously jeopardized by these older juveniles taking advantage of the current system. The Task

Force hereby recommends that the legislature craft legislation for the upcoming legislative sessions to bring real, substantive consequences to juveniles committing these serious criminal acts, to properly and securely house these older juvenile offenders in order to ensure public safety and safeguard the rehabilitation of the younger population in our juvenile system, and finally, to mandate transparency and openness in our juvenile court system for these serious offenses so that victims and the public can access and know what is happening and why it is happening in their communities.

iii. Recommendation: Address Violent Criminals Continuing to Endanger Public Safety Through the Possession and Use of Firearms

The Task Force recognizes the alarming increase in violent crimes committed with firearms and convicted felons continuing to possess firearms, despite the clear prohibition on their possession of such firearms and despite the obvious increased danger to public safety with felons continuing in possession of firearms. The Task Force hereby recommends that the legislature craft legislation for the upcoming legislative sessions to put in place meaningful consequences for violent felons continuing to endanger public safety through the possession and use of firearms and to ensure that these consequences are being enforced within the criminal justice system.

iv. Recommendation: Address Rehabilitative Efforts and Programs for Offenders to Ensure Successful Programs are Incentivized and Unsuccessful Programs are Not Wasting Public Resources

The Task Force recognizes that swift and certain enforcement of our criminal laws is a necessary and vital first step to ensuring public safety, but the Task Force also recognizes that successful rehabilitation of offenders is also extremely important to reducing our recidivism rates and to transforming offenders back into productive members of society. The Task Force also recognizes that this state and its local partners spend a significant amount of public dollars on rehabilitative programs for offenders, but there is little to no reliable performance data on which programs are successful and which are costing too much for too little return on our investment. As such, the Task Force hereby recommends that the legislature craft legislation for the upcoming legislative sessions to properly and thoroughly analyze our current rehabilitative programs offered to offenders across this state, to require performance data and measures to be collected and provided for all such programs utilizing public dollars, and to incentivize those programs which are successful and cost-effective at reforming our offenders back into productive members of society.

v. Recommendation: Address the Alarming Shortage of Law Enforcement Officers in this State and Incentivize the Hiring and Retention of Qualified Individuals for Law Enforcement

The Task Force recognizes the true crisis that we face in Louisiana with respect to shortfalls in the number of officers across law enforcement agencies in this state and the serious danger to public safety and the impairment of the basic functioning of our communities that results from such shortfalls. The Task Force recognizes that Louisiana must rectify this situation and provide our full and lasting support for our law enforcement officers and agencies if we want to see public safety, peace, and prosperity return to this state and its communities. As such, the Task Force recommends that the legislature craft legislation to incentivize the recruitment and retention of qualified law enforcement officers and to provide any other such measures it deems necessary to show our full and unwavering support for our law enforcement officers across this state and to ensure a peaceful and prosperous Louisiana.

CONCLUSION

The Task Force and its members appreciate the opportunity to study these important issues and to submit these findings and recommendations for consideration by this new legislature and administration. The Task Force strongly believes that these recommendations provide a tremendous opportunity to enhance public safety and security, to improve the lives of our fellow citizens, and strengthen our communities. The Task Force and its members stand ready to assist state legislators and the great citizens of Louisiana in achieving these goals.

Assistant Attorney General
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