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# Louisiana's Youth Law: Rules and Practice

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## LOUISIANA'S YOUTH LAW: RULES AND PRACTICE

### *Introduction*

The stated objective of Louisiana legislation concerning treatment of juveniles is to provide each child coming within the jurisdiction of the court with the kind of care, guidance and control that will further the child's welfare and that of the public.<sup>1</sup> Recently, significant legislative reform<sup>2</sup> aimed at protecting the interests of juveniles has advanced Louisiana to a leading position among the states and furnishes ample evidence that elected state officials are concerned with achieving the goals underlying the juvenile system. The effectiveness of any juvenile legislation, however, must ultimately depend upon its acceptance and enforcement by those who deal with juveniles daily. In an effort to learn the actual practices of those engaged in the enforcement of our juvenile laws, the writer conducted interviews throughout the state with government officials and others concerned with the treatment of juveniles.<sup>3</sup> The following is a brief look

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1. LA. R.S. 13:1592 (1950). See generally Comment, 27 LA. L. REV. 606 (1967). Sussman and Baum succinctly describe the structure and jurisdiction of juvenile courts in Louisiana: "In 1950 a juvenile court law was enacted applicable uniformly throughout the state. There is a juvenile court in every parish. In all the parishes but Caddo, Orleans and Jefferson, where there are separate juvenile courts, and East Baton Rouge, which has a family court, the district court judge is *ex officio* judge of the juvenile court in the parishes within his district. In wards with city courts, the city court judge is *ex officio* judge of the juvenile court within his jurisdiction, and exercises jurisdiction concurrent with the district court. The juvenile court has exclusive jurisdiction over delinquent children under 17 and [persons over 17] charged with violating a law or ordinance while under 17, except for children charged with having committed while 15 or older a capital crime or attempted aggravated rape." F. SUSSMAN & F. BAUM, LAW OF JUVENILE DELINQUENCY 80 (1968). See, e.g., State *ex rel.* Brecheen, 264 So. 2d 779 (La. App. 1st Cir. 1972) (city court as juvenile court). See also the provisions for waiver of jurisdiction. LA. R.S. 13:1571.1 (Supp. 1974).

2. See, e.g., LA. R.S. 13:1586.1 (Supp. 1972), as amended by La. Acts 1974, No. 561, § 1 (self-executing expungement of agency records concerning juveniles who are not subsequently adjudicated delinquent); LA. R.S. 13:1580 (1950), as amended by La. Acts 1974, No. 155 § 2 (effective January 1, 1976, commitment to the Dep't of Corrections only of juveniles adjudicated delinquent, and of juvenile delinquents under the age of thirteen only if adjudicated delinquent for an act which would have been a felony if committed by an adult); La. Acts 1974, No. 558 § 1, adding LA. R.S. 46:1901-26 (Supp. 1974) (creation of Division of Youth Services); La. Acts 1974, No. 559, adding LA. R.S. 13:1578.1 (Supp. 1974) (effective June 30, 1975, only children alleged to have committed a delinquent act may be detained in a detention facility). For recent national legislation see 42 U.S.C. §§ 3801-91 (Supp. 1972) (Juvenile Delinquency Prevention and Control Act) and 42 U.S.C. §§ 5601-5751 (Supp. 1974) (Juvenile Justice and Delinquency Prevention Act).

3. From July 1974 through June 1975 the writer conducted interviews with individuals throughout the state who were involved with all phases of the Louisiana juve-

at a few key areas of juvenile procedure in Louisiana, both as they are formulated on paper and as they operate in actual practice, supplemented by information gleaned from studies made in other jurisdictions.<sup>4</sup>

### *Initial Contact with the Police*

#### *Apprehension, Interrogation and Booking*

An initial encounter with the police may often be the first contact with the juvenile justice system for a Louisiana child. After observing what appears to be illegal conduct or receiving a complaint, a police officer confronting a juvenile has several largely discretionary options.<sup>5</sup> He may decide that unofficial action is appropriate and release the youth after speaking with him. If the officer believes that official action is necessary,<sup>6</sup> the youth is usually transported to the police station for questioning. Under present law, a juvenile may not be transported in association with "criminal, vicious or dissolute per-

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nile justice system, in parishes selected to provide representative coverage. Responses to questionnaires were also received from law enforcement juvenile officers and juvenile detention home personnel in nine parishes in which personal interviews were not conducted. Additionally, the writer served as a weekly recreational volunteer in the East Baton Rouge Parish Family Court's juvenile detention center for seventeen months.

Because of the nature of the observations and the need to preserve confidentiality, many conclusions stated herein are either not documented in this paper, or are documented by reference to the writer's experience. The appendix lists many of those interviewed. Regarding research technique see Maccoby & Maccoby, *The Interview: A Tool of Social Science*, 1 HANDBOOK OF SOCIAL PSYCHOLOGY 449 (G. Lindzey ed. 1954); Becker, *Problems on Inference and Proof in Participant Observation*, 23 AM. SOC. REV. 652 (1958).

4. All textual statements, however, are applicable to Louisiana. Supplementary material is incorporated by reference for academic support and to compare Louisiana's practices with those of other states.

5. Interviews with Sgt. John Smith, Juvenile Division, Baton Rouge City Police, in Baton Rouge, on July 14, 1974; Capt. Danny Broussard and Lt. Pete Hebert, Lafayette Parish Sheriff's Juvenile Division, in Lafayette, on Jan. 16, 1975. For a discussion of the standards employed in the apprehension of juveniles, see Note, 79 HARV. L. REV. 775, 777 (1966) and Comment, 27 LA. L. REV. 606, 610-12 (1967). For a discussion of the implications of police discretion in apprehending juveniles, see Ferster & Courtless, *The Beginning of Juvenile Justice, Police Practices, and the Juvenile Offender*, 22 VAND. L. REV. 567, 581 (1969) [hereinafter cited as Ferster & Courtless]. See also Gandy, *The Exercise of Discretion by the Police as a Decision-Making Process in the Disposition of Juvenile Offenders*, 8 OSGOOD HALL L.J. 329 (1970) [hereinafter cited as Gandy].

6. Official action may take one of several forms. For a discussion of the range of official action see Piliavin and Briar, *Police Encounters with Juveniles*, 70 AM. J. SOCIOLOGY 206 (1964). See also Gandy at 331; Note, 79 HARV. L. REV. 775, 777 (1966).

sons,"<sup>7</sup> and thus if he is apprehended with adult offenders he must be sent to the station separately. However, inconvenience and lack of available units sometimes result in the non-observance of this statutory prohibition.

When the child arrives at the station, the police often obtain preliminary information from him<sup>8</sup> and may in some instances detain him for more extensive interrogation. If the child is under the age of fifteen, R.S. 13:1577(C) prohibits his confinement in a police station or a jail even for purposes of interrogation.<sup>9</sup> However, police station questioning of youths under fifteen appears not to be an uncommon occurrence. To comply with the statute, the police should take the child immediately to the court or to a facility designated by the court which is not under police control.<sup>10</sup>

On the basis of the information gained by station-house questioning of an apprehended youth, the police may merely reprimand the child and release him.<sup>11</sup> If they think the case merits further attention, the police may issue a citation requiring the youth's appearance in juvenile court and then release the child to his parents.<sup>12</sup> In serious cases corresponding to felonies, or if a child is unusually belligerent, booking and detention may follow interrogation.<sup>13</sup> At this

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7. LA. R.S. 13:1577(C) (1950), as amended by La. Acts 1972, No. 714 § 1, provides: "[N]o child shall be confined in any police station, prison or jail, or be transported or detained in association with criminal, vicious or dissolute persons. A child of fifteen years of age or older may be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adults." The jurisprudence has interpreted the phrase "criminal, vicious, or dissolute persons" broadly to encompass any adult offender. See *In re Wesley*, 285 So. 2d 308, 309 (La. App. 4th Cir. 1973).

8. A typical Louisiana Juvenile Disposition Report compiled at the time of initial interrogation contains information as to date, time and location of arrest and personal data such as birthplace, religion and education (copy on file in offices of *Louisiana Law Review*).

9. See text of LA. R.S. 13:1577(C) at note 7, *supra*. See also *In re Wesley*, 285 So. 2d 308 (La. App. 4th Cir. 1973) (detention of 14-year-old in police substation solely for purpose of interrogation violates statutory prohibition).

10. See NCCD COUNCIL OF JUDGES, PROVISION OF COUNSEL IN JUVENILE COURTS 4 n.10 (1970), referring to, N.Y. FAMILY COURT ACT § 724(b)(ii) (1974). Cf. *State v. Arbeiter*, 408 S.W.2d 26 (Mo. 1966) (police interrogation of children prohibited by court decision).

11. See authorities cited at note 6, *supra*.

12. See LA. R.S. 13:1577(A) (1950), as amended by La. Acts 1972, No. 714 § 1. Generally, a custodial agreement specifying the time of court appearance will be entered into with the child's parents (copy of Custodial Agreement on file in offices of *Louisiana Law Review*). Cf. K. DAVIS, DISCRETIONARY JUSTICE: A PRELIMINARY INQUIRY 23 (1970).

13. See Ferster & Courtless at 573; Sarri, *The Detention of Youth in Jails and Juvenile Detention Facilities*, 24 Juv. JUSTICE 2 (Nov. 1973) [hereinafter cited as

stage, it is the child's demeanor which most often influences the officer's decision.<sup>14</sup> If the arresting officer determines that booking and detention are proper, it is his duty to bring the juvenile to the nearest juvenile detention center, police station or jail.<sup>15</sup> Further, if there is a juvenile detention center in the parish, R.S. 13:1586.3 requires that the juvenile be booked there.<sup>16</sup> The writer found, however, that the prohibition against booking at the police station in parishes where a detention center is located was not universally followed.<sup>17</sup>

### *Waiver of Right to Remain Silent*

Interrogation of juveniles necessarily raises the issue of the youth's constitutional right against self-incrimination and the possibility of waiver of that right. In the leading case of *In re Gault*,<sup>18</sup> the United States Supreme Court held that the juvenile is protected by the fifth amendment right against self-incrimination during the adjudicatory stage of juvenile court proceedings.<sup>19</sup> The Court, however, limited its discussion to the adjudicatory stage and thus the question remains as to whether *Miranda*<sup>20</sup> warnings are constitutionally required during the investigatory phase.<sup>21</sup> Some states statutorily require that an apprehended youth be informed of his constitutional right to remain silent.<sup>22</sup> Other states have implemented a per se ex-

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Sarrij; Interview with Jack Norman, Juvenile Officer, Monroe City Police, in Monroe, on Jan. 8, 1975.

14. See Piliavin and Briar, *Police Encounters with Juveniles*, 70 AM. J. OF SOCIOL. 206, 210 (1964): "In the opinion of juvenile patrolmen themselves the demeanor of apprehended juveniles was a major determinant of their decisions for 50-60 per cent of the juvenile cases they processed." See also THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: JUVENILE DELINQUENCY AND YOUTH CRIME 13 (1967) [hereinafter cited as TASK FORCE REPORT]; Coffee, *Privacy v. Parens Patriae: The Role of Police Records in the Sentencing and Surveillance of Juveniles*, 57 CORNELL L. REV. 571, 591 (1972) [hereinafter cited as Coffee].

15. LA. R.S. 13:1586.3(A) (Supp. 1972).

16. LA. H.B. 1171, Reg. Sess. (1975) would amend the statute to require only that a juvenile be taken to the nearest juvenile detention facility, police station or jail to be booked.

17. Criminal sanctions are provided for violation of this provision. LA. R.S. 13:1586.3(B) (Supp. 1972).

18. 387 U.S. 1 (1967).

19. *Id.* at 42. Cf. *State ex rel. McGinnis*, 244 So. 2d 336, 339 (La. App. 4th Cir. 1971).

20. *Miranda v. Arizona*, 384 U.S. 436 (1966).

21. Cf. LA. CONST. art. 1, § 13. See *Therhault v. State*, 223 N.W.2d 850, 852 (Wis. 1974); *Ferster & Courtless* at 594; *Comment*, 77 DICK. L. REV. 543, 548-50 (1973).

22. *E.g.*, CAL. WELFARE & INSTITUTIONS C. § 627.5 (West Supp. 1968); COLO. REV. STAT. § 19-2-102 (Supp. 1967); OKLA. STAT. tit. 10, § 1109 (Supp. 1968), as amended

clusionary rule with regard to confessions obtained from a child who has not been officially informed of his fifth amendment rights.<sup>23</sup> Louisiana has followed neither of these approaches, but rather has joined the majority of states which have decided the issue<sup>24</sup> by applying a "totality of the circumstances" test to determine the admissibility of a confession obtained from a juvenile.<sup>25</sup> The youth's knowledge of his constitutional right to remain silent is, however, one of the important factors looked to by the court.<sup>26</sup>

Even if the youth is told of his right to remain silent, a question may arise concerning the validity of a waiver obtained from him. Studies indicate that juveniles generally do not comprehend their rights,<sup>27</sup> and the courts of at least one state have recognized the general inability of a child of the age of ten to make a knowing and intelligent waiver of his rights.<sup>28</sup> Many experts advocate providing protection for children at this stage of the legal process, some suggesting that a constitutional right to the presence of parents during interrogation should be recognized.<sup>29</sup> An even stronger proposal is that a

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by Okla. Laws 1971, No. 66, § 2.

23. See, e.g., *Lewis v. State*, 288 N.E.2d 138, 142 (Ind. 1972); *In re K.W.B.*, 500 S.W.2d 275, 283 (Mo. App. 1st Cir. 1973).

24. For a listing of sixteen other states which apply the "totality of the circumstances" test see *Theriault v. State*, 223 N.W.2d 850, 854 (Wis. 1974).

25. See *State v. Melanson*, 259 So. 2d 609, 611-12 (La. App. 4th Cir. 1972), citing *West v. United States*, 399 F.2d 467, 469 (5th Cir. 1968) for the factors to be considered: the age of the accused; his education; his knowledge as to both the substance of the charge and the nature of his rights to consult with an attorney and remain silent; whether he is held incommunicado or allowed to consult with relatives, friends, or an attorney; whether he was interrogated before or after formal charges had been filed; the method and length of interrogation; whether he refused to voluntarily give statements on prior occasions; and whether he has repudiated an extra judicial statement at a later date.

26. See *State ex rel. Garland*, 160 So. 2d 340 (La. App. 4th Cir. 1964) (confession of 15-year-old youth ruled involuntary); *State ex rel. Harrell*, 254 La. 963, 967-70, 229 So. 2d 63, 64-65 (1969) (juvenile waiver form set forth). See also Ferguson & Douglas, *A Study of Juvenile Waiver*, 7 SAN DIEGO L. REV. 39, 54 (1970) [hereinafter cited as *Juvenile Waiver*]: "Prior to trial, counsel should study all circumstances surrounding an alleged waiver. . . . Courts should exercise particular care before finding an intelligent and knowing waiver."

27. See, e.g., *Juvenile Waiver at 55* (random sampling of 14-year-olds showed that 96% failed to understand *Miranda* warnings, although they waived their rights). See also, Note, 19 HAST. L. J. 223 (1967).

28. See *State ex rel. S.H.*, 61 N.J. 108, 293 A.2d 181 (1972), noted in 4 CUMBERLAND-SAMFORD L. REV. 394 (1973). The New Jersey court stated, however, that even absent a valid waiver, questioning by police may proceed if "conducted with the utmost fairness and in accordance with the highest standards of due process and fundamental fairness." 61 N.J. at 112, 293 A.2d at 185.

29. See, e.g., Comment, 77 DICK. L. REV. 543 (1973). At least two states have

child be precluded from lawfully waiving his rights.<sup>30</sup> The *Model Rules for Juvenile Courts* prohibit admission of extrajudicial statements by a juvenile unless made in the presence of his parent, guardian or counsel after both the child and the adult have knowingly and intelligently waived the child's right to remain silent.<sup>31</sup>

The practice of many of the Louisiana police departments interviewed was to advise a youth who was suspected of committing a serious offense that he could remain silent and that he could consult with and have counsel present during interrogation.<sup>32</sup> Police often delay interrogation until the parents of the youth are present and orally consent to the questioning. Some departments go even further and obtain a written waiver from the juvenile and his parents before seeking an admission.<sup>33</sup> A few authorities interviewed, however, were lax in consistently enforcing such procedures. Failure to employ these and other safeguards may not only deny fundamental due process, but may also weaken the state's case against a delinquent youth by threatening the validity of the confession thereby obtained.

### *Temporary Detention*

#### *Protective Segregation*

Louisiana's policy regarding detention of children requires that

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adopted a *per se* rule concerning the validity of juvenile confessions in the absence of prior consultation with parents. *Lewis v. State*, 288 N.E.2d 138, 142 (Ind. 1972); *In re K.W.B.*, 500 S.W.2d 275, 283 (Mo. App. 1st Cir. 1973).

30. See *Recent Developments, Minor's Request to See Parent Made Before or During Custodial Interrogation Invokes Fifth Amendment Privilege*, 1972 U. OF ILL. L. F. 625, 634: "Only when the waiver of constitutional rights by juveniles is prohibited will a just and realistic approach be assured."

31. "No extra judicial statement by the child to a peace officer or court officer shall be admitted into evidence unless it was made in the presence of the child's parent or guardian or counsel. No such statement shall be admitted into evidence unless the person offering the statement demonstrates to the satisfaction of the court that, before making the statement, the child and his parents were informed and intelligently comprehended that he need not make a statement, that any statement made might be used in a court proceeding, and that he had a right to consult with counsel before or during the making of a statement." NCCD COUNCIL OF JUDGES, MODEL RULES FOR JUVENILE COURTS, rule 25 (1969). A Louisiana commentator in accord with this position states that we should "allow questioning to solve crime and formulate a social summary, but . . . exclude all statements made by a child during questioning from the determination of whether the child has committed a delinquent act." Comment, 27 LA. L. REV. 606, 617 (1967).

32. Interview with Sgt. John Smith, Juvenile Division, Baton Rouge City Police, in Baton Rouge, on July 14, 1974.

33. Interviews with Capt. Danny Broussard and Lt. Pete Hebert, Lafayette Parish Sheriff's Juvenile Division, in Lafayette, on Jan. 16, 1975.

unless it is impracticable or inadvisable, juveniles should be released to the care of their parents.<sup>34</sup> Among the criteria set forth in R.S. 13:1578.1 for determining the propriety of detention is a determination of whether a serious risk exists that a child is likely to commit a delinquent act before his return date to court. Another factor is whether there is a substantial probability that the juvenile will not appear in court on the return date.<sup>35</sup>

In those cases in which detention is permitted, confinement of juveniles under the age of fifteen may not be in a police station, prison or jail; nor may a youth be detained in association with criminal, vicious, or dissolute persons.<sup>36</sup> The absence of physical facilities in rural parishes, however, often results in the provision's being interpreted as merely a prohibition against confining a child with adult offenders. Consequently, the juvenile who is detained in rural areas may at best have his own cell, or share one with other youths in the local jail.<sup>37</sup> Moreover, when the jail is full, not even the protective segregation sought by the statute is possible. The state's eight juvenile detention facilities<sup>38</sup> and other shelter care facilities alleviate the

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34. LA. R.S. 13:1577(A) (1950), as amended by La. Acts 1972, No. 714 § 1. See generally Comment, 27 LA. L. REV. 606, 612 (1967). However, during the fiscal year of 1973, there were 42 children under the age of ten detained in Louisiana's juvenile detention facilities, excluding the Jefferson and Orleans Parish facilities at which age information was not documented, 2 1975 LA. LAW ENFORCEMENT COMPREHENSIVE PLAN 320 [hereinafter cited as LA. PLAN]. For a first-hand description of pre-trial detention of juveniles, see Berns, *Juvenile Detention: An Eyewitness Account*, 4 COLUM. HUMAN RIGHTS L. REV. 303 (1972).

35. In addition, the statute provides that if either or both of these two conditions exist, a child may be held overnight "for another jurisdiction." LA. R.S. 13:1578.1(3) (Supp. 1974).

36. LA. R.S. 13:1577(C) (1950), as amended by La. Acts 1972, No. 714 § 1. See *State v. Ragan*, 125 La. 121, 51 So. 89 (1910); *State ex rel. Wesley*, 285 So. 2d 308 (La. App. 4th Cir. 1973). But see *State ex rel. Mayfield*, 195 So. 2d 413, 414-15 (La. App. 4th Cir. 1967) (confinement in jail of 14-year-old for approximately fourteen weeks has no effect on validity of prior confession or subsequent adjudication of delinquency). An exception exists if the child is fifteen years of age or older, but he or she must be placed in a room or ward entirely separate from adults. Cf. *State ex rel. Cook*, 145 So. 2d 627, 629 (La. App. 4th Cir. 1962): "[A]ppellant told officers that he was fifteen (15) years of age. . . . Under these circumstances, appellant cannot now complain that he was illegally held."

37. Interview with Patti Benjamin, Deputy Sheriff, Lincoln Parish, in Ruston, on Jan. 9, 1975. In most rural areas, however, officials attempt to limit the duration of a juvenile's incarceration to the shortest possible time. Interview with Warren C. Maddry, Juvenile Probation and Parole Officer II, in Monroe, on Jan. 7, 1975. As of October 30, 1973, information obtained from the reporting facilities showed that 82 juveniles had been incarcerated in jails throughout the state during the 1973 fiscal year. LA. PLAN at 287.

38. A juvenile detention facility is located in each of the following parishes:



problem somewhat, but only, for the most part, in the parishes where they are located.<sup>39</sup>

Three classes of juveniles are within the jurisdiction of Louisiana's juvenile courts—delinquent children, children in need of supervision, and neglected or dependent children.<sup>40</sup> Delinquent children<sup>41</sup> are those who have committed criminal acts. Children in need of supervision<sup>42</sup> (hereinafter CHINS)<sup>43</sup> are those who need care or rehabilitation because they have been habitually truant or ungovernable, or have committed an act which would not be a crime if it had been committed by an adult, such as running away from home. Neglected or dependent children<sup>44</sup> are those who have been abandoned,

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Caddo, Calcasieu, East Baton Rouge, Jefferson (Robert Rivarde), Lafayette, Orleans (Youth Study Center), Ouachita (Green Oaks), and Rapides (Renaissance House). See LA. PLAN at 306. Renaissance House has no maximum security facilities.

39. Some commentators have argued that the jailing of juveniles is harmful to both the child and the community and that the practice could be limited by mandatory detention hearings, routine jail inspections and immediate appointment of counsel. See Sarri at 14-16. La. S.B. 332, Reg. Sess. (1975) would prohibit the confining of any juvenile under the age of 17 in a parish jail.

40. The jurisdiction of the juvenile courts also extends to other classes of children, such as adopted children and children committed because of mental disorders. LA. R.S. 13:1570 (1950).

41. LA. R.S. 13:1569(14) (Supp. 1972): " 'Delinquent child' means a child who has committed a delinquent act and is in need of care or rehabilitation." LA. R.S. 13:1569(13) (Supp. 1972): " 'Delinquent act' means an act designated a crime under the statutes or ordinances of this state, or of another state if the act occurred in another state, or under federal law."

42. LA. R.S. 13:1569(15) (Supp. 1972): " 'Child in need of supervision' means a child who: (a) being subject to compulsory school attendance, is habitually truant from school; or (b) habitually disobeys the reasonable and lawful demands of his parent, tutor, or other custodian, and is ungovernable and beyond their control; or (c) has committed an offense not classified as criminal or one applicable only to children; and (d) in any of the foregoing, is in need of care or rehabilitation."

43. Also referred to as CINS. See, e.g., Orlando and Black, *Classification in Juvenile Court: The Delinquent Child and the Child in Need of Supervision*, 25 JUV. JUSTICE 13, 17 (May 1974) [hereinafter cited as Orlando & Black]. The category covering noncriminal juvenile offenders was originally formulated by New York statute as "persons in need of supervision" (PINS). See N.Y. FAMILY CT. ACT §§ 711-84 (1974). Juveniles protected by related statutes have also been termed MINS (minors otherwise in need of supervision). See, e.g., ILL. ANN. STAT. ch. 37, §§ 702-03 (1974).

44. LA. R.S. 13:1569(16) (Supp. 1972): " 'Neglected' or 'dependent' child means a child: (a) who has been abandoned by his parents, tutor, or other custodian; (b) who is without proper parental care and control . . . necessary for his well being because of the faults or habits of his parents, tutor, or other custodian or their neglect or refusal, when able to do so, to provide them; or (c) whose parents, tutor or other custodian are unable to discharge their responsibilities to and for the child because of their incarceration, hospitalization, or other physical or mental incapacity; or (d) who has been placed for care or adoption in violation of law."

those without proper parental care and control, or those who have been illegally placed for care or adoption. At the time of this writing, detention facilities are used for confining all classes of juveniles.<sup>45</sup> After June 30, 1975, however, the state's juvenile detention facilities may no longer be used to detain juveniles other than those alleged to have committed delinquent acts.<sup>46</sup> Although it has been estimated that at least forty percent of detained juveniles are children in need of supervision,<sup>47</sup> only a few interviewees related that they are presently investigating permissible alternatives for the housing of such children after the June 30 deadline.<sup>48</sup>

The lack of existing alternative programs and the absence of sufficient stopgap facilities to house non-delinquent children who come before the juvenile court have placed officials who formerly relied on temporary placement of these children in detention centers in somewhat of a quandary regarding placement decisions after June 30. One possible negative effect which the legislation may have is to unnecessarily expand the working definition of "delinquency." Often when a child has committed an act that would render him subject to classification as a CHINS, he has also committed a minor delinquent act. Some officials interviewed voiced their intention to investigate

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45. In 1974, the East Baton Rouge Parish juvenile detention facility temporarily detained children in need of supervision, children placed by the Department of Welfare, abused children, and alleged juvenile delinquents. Interview with Betty Laxton, Juvenile Probation Officer, East Baton Rouge Parish Family Court, in Baton Rouge, on Feb. 20, 1975.

46. See LA. R.S. 13:1578.1 (Supp. 1974). See also LA. R.S. 13:1580(2) (1950), as amended by La. Acts 1974, No. 155. La. H.B. 1160, Reg. Sess. (1975) would extend the deadline for compliance to July 1, 1976.

47. An unpublished representative survey taken by an officer of the East Baton Rouge Parish Family Court showed that for the months of January and February of 1974, approximately 44% of the juveniles detained at the Baton Rouge juvenile detention facility were status offenders (CHINS). It is estimated on the basis of this survey that the yearly total of CHINS detained by this facility alone is approximately 500. See also Note, 83 YALE L.J. 1383, 1385 (1974): "[S]tudies suggest that 40-50% of all incarcerated minors are charged with such non-criminal misbehavior."

Additionally, during the fiscal year of 1973 there were approximately 480 CHINS committed to the Dep't of Corrections out of a total juvenile commitment of 1,657. LA. PLAN at 339. Cf. LA. R.S. 13:1580 (1950), as amended by La. Acts 1974, No. 155 § 2 discussed at note 2, *supra*.

48. Such efforts are presently being undertaken, for example, in Baton Rouge and in Shreveport. Interviews with Robert Brumberger, Supervisor of Volunteer Services, East Baton Rouge Parish Family Court, in Baton Rouge, on Feb. 5, 1975, and Thomas A. Jenkins, Coordinator, Division of Youth Services, in Baton Rouge, on Feb. 14, 1975. For a listing of possible alternatives, see *Non-Delinquent Children in New York: The Need for Alternatives to Institutional Treatment*, 8 COLUM. J. OF LAW & SOC. PROB. 251 (1972).

the cases of CHINS for evidence of the commission of acts which could be labeled delinquent so that the youths could be charged and assigned to a detention facility. Although many local communities are relying upon the newly created Youth Services Agency<sup>49</sup> to provide them with the finances and facilities to care for CHINS, it is hoped that local communities will take the initiative to achieve protective segregation, and that attempts to "redefine" the legislative classifications or to push back the deadline for compliance<sup>50</sup> will be abandoned in favor of more progressive programs.<sup>51</sup>

State-wide action to implement protective segregation is also necessary. Unfortunately, the 1974 legislature chose to authorize the creation of multiparish juvenile detention centers,<sup>52</sup> even though sufficient facilities presently exist to provide secure custody for serious juvenile offenders.<sup>53</sup> Because after the June 30 deadline only delinquent children may be sent to detention centers and because relatively few delinquent youths require secure custody, present detention facilities should operate regionally for the children who require such facilities.<sup>54</sup> Funds which might otherwise be made available to finance construction can be applied more beneficially to the operation of community-based programs to care for alleged delinquents who do not present a security problem, for CHINS and for other

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49. See LA. R.S. 46:1901-26 (Supp. 1974).

50. See discussion of La. H.B. 1160, Reg. Sess. (1975) at note 46, *supra*.

51. Recent writers have advocated the abolition of juvenile court jurisdiction over children within the CHINS category. See, e.g., Orlando & Black at 22-23; Note, 83 YALE L.J. 1383 (1974). Cf. Roybal, *Void for Vagueness: State Statutes Proscribing Conduct Only For a Juvenile*, 1 PEPPERDINE L. REV. 1 (1973).

52. See LA. R.S. 13:1701-08 (Supp. 1974).

53. Interview with Thomas A. Jenkins, Coordinator, Division of Youth Services, in Baton Rouge, on Feb. 14, 1975.

54. Presently, the detention facilities in Calcasieu and Lafayette Parishes are the only ones which operate regionally; for example, Lafayette Parish charges \$12 per day for each child it houses from other parishes within its region. Interviews with Tina Bileau, secretary to the Superintendent, Lafayette Parish Juvenile Detention Facility, in Lafayette, on Jan. 16, 1975; and George C. Woolman, Chief Probation Officer, Calcasieu Parish Juvenile Court, in Lake Charles, on Jan. 17, 1975 (\$15 per day). East Baton Rouge Parish Family Court operates on a space available basis for a \$20 per day/per child charge. Phone interview with Margaret Vick, Chief Probation Officer, East Baton Rouge Parish Family Court, in Baton Rouge, on March 7, 1975. One facility intentionally discourages regional operation by charging a prohibitive fee (\$30 per day), on the belief that regional operation at a low fee encourages officers to confine juveniles who, because of lack of detention facilities, would otherwise be released to the custody of their parents or guardians. Interview with David Harkins, Director, Ouachita Parish Juvenile Detention Home and President, Louisiana Juvenile Detention Home Ass'n, in Monroe, on Jan. 8, 1975.

youths within the court's jurisdiction.<sup>55</sup> The Youth Services Agency should assist communities in developing and operating local alternatives to detention, such as contracting with existing private institutions and agencies of the local community to open their facilities to the court, further developing group care facilities and homes, and initiating court-oriented foster home programs.<sup>56</sup>

#### *Letter of Explanation and Petition*

In juvenile matters, the rough equivalent of a bill of information<sup>57</sup> is a petition,<sup>58</sup> usually filed by a probation officer.<sup>59</sup> When a child is held in custody for twelve hours or more but released without a petition having been filed, the official who held the juvenile in custody is required to prepare a written explanation of the reasons for the detention and send a copy of the explanation to the person having care or custody of the child.<sup>60</sup> Although legitimate reasons sometimes exist for detaining a child for more than twelve hours without subsequently filing a petition against him, the enforcement of the written explanation requirement helps to limit unwarranted detention.

Some authorities are presently operating in compliance with the statutory requirement, but interviews with others who share this responsibility show a good deal of confusion regarding what is required of them by the statute. Many erroneously believe that the letter must be written after twelve hours of detention of any juvenile regardless of whether a petition is filed, and thus contend that the rule creates too much paper work for them. Some officials have also encountered problems in deciding which officer has the duty of sending the letter of explanation. The statute places the responsibility on the person who holds the child in custody, but the language may be interpreted as referring to either of two officers.<sup>61</sup> The official who oversees con-

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55. See LA. R.S. 13:1578 (1950), providing for community program possibilities for delinquent children and CHINS.

56. Interview with Thomas A. Jenkins, Coordinator, Division of Youth Services, in Baton Rouge, on Feb. 14, 1975.

57. See LA. CODE CRIM. P. art. 463.

58. See LA. R.S. 13:1574 (1950). See also *State ex rel. Fischbein*, 194 So. 2d 388, 390 (La. App. 4th Cir. 1967).

59. Interviews with Warren C. Maddry and J.Y. Pipes, Jr., Juvenile Probation and Parole Officers II, Division of Youth Services, in Monroe, on Jan. 7, 1975.

60. LA. R.S. 13:1577(E) (Supp. 1974). La. H.B. 1177, Reg. Sess. (1975) would extend the time period to twenty-four hours.

61. LA. R.S. 13:1577(E) (Supp. 1974) provides in pertinent part: "Whenever a child who has been held in custody for more than twelve hours by a[n] . . . official and subsequently released and no petition is filed, the said official shall prepare a written explanation of the reasons why the child was held. . . . A copy of the written

finement physically holds the child in custody, but he does so at the request of an arresting officer, who may also be viewed as constructively holding the child in custody. The more reasonable position seems to be that the statute addresses the person who oversees corporeal confinement, since this person should always evaluate the need for detention, and has the power to initially refuse confinement or subsequently release the juvenile.<sup>62</sup>

To remedy unjustified extended detention of children, R.S. 13:1577(D) requires that unless a child is "petitioned on" within seventy-two hours of his arrest, he must be released.<sup>63</sup> Prior to the adoption of the seventy-two hour rule, children were detained for an average of fourteen days,<sup>64</sup> during which time a decision on filing a petition would be made. To facilitate operation of the new rule, an officer who brings a juvenile to a detention facility is now required to supply the juvenile court's intake section with enough information to make a determination within a short time regarding the propriety of filing a petition,<sup>65</sup> and arrest records are received by juvenile detention intake in a matter of days rather than weeks.<sup>66</sup> Nevertheless, the spirit of the legislation may be easily abused; a petition based on insufficient information can be filed immediately after arrest and dismissed or prosecuted only after weeks of investigation. Fortunately those interviewed were concerned about the conscientious enforcement of the provision.

### *Court-Appointed Counsel*

Court-appointed counsel must be assigned to a juvenile if his parents make it known to the court before the hearing that they are

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explanation shall be sent to the parents . . . of the child."

62. East Baton Rouge Family Court Center currently uses form letters of explanation which are prepared by the officer who oversees physical confinement (copy of form letter on file in offices of *Louisiana Law Review*).

63. La. H.B. 1177, Reg. Sess. (1975) would change LA. R.S. 13:1577(D) by expanding it to require a youth's release after seventy-two hours if he has not been petitioned on, or written notice has not been given to the juvenile court of his presence in the detention center.

64. Interview with Robert Brumberger, Supervisor of Volunteer Services, East Baton Rouge Parish Family Court, in Baton Rouge, on July 14, 1974. See LAW ENFORCEMENT ASSISTANCE ADMIN., CHILDREN IN CUSTODY 38, 39 (1971) describing the average length of stay in public detention centers, reception or diagnostic centers and shelters for juveniles for the United States for fiscal year 1971.

65. Interview with Alvin Johnson, Attendant II, East Baton Rouge Parish Family Court detention center, in Baton Rouge, on March 8, 1975.

66. Interviews with Betty Laxton, Juvenile Probation Officer, and Emmett Irwin, Intake Officer for the juvenile detention section of the East Baton Rouge Parish Family Court Center, in Baton Rouge, on Feb. 20, 1975.

indigent.<sup>67</sup> Although most urban areas provide public defender programs which handle juvenile cases when requested to do so,<sup>68</sup> similar services are often unavailable in the other areas of the state.<sup>69</sup> One problem which arises in these latter areas where few attorneys are available to represent juveniles is the necessity to have the juvenile court judge review the facts of a case to determine if the likelihood of commitment is sufficiently strong to justify the appointment of counsel.<sup>70</sup> Such pretrial judicial review may unduly prejudice the juvenile's rights by predisposing the judge as to the validity of the charges against the youth.

An additional problem encountered throughout the state is determining how to ensure representation for children alleged to be in need of supervision.<sup>71</sup> The parents of these youths are often the ones who report their children's alleged misbehavior; it is thus unlikely that they will seek or demand representation for them.<sup>72</sup> Because a child's freedom from detention is often at stake, the local bar should accept the responsibility of providing representation for the juvenile whose interest would not otherwise be protected.<sup>73</sup>

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67. See LA. CONST. art. 1 § 13; LA. R.S. 13:1579(A) (Supp. 1972); *In re Gault*, 387 U.S. 1, 41 (1967).

68. Phone interview with Robert Eemes, former Assistant Public Defender for East Baton Rouge Parish, in Baton Rouge, on June 6, 1975.

69. Indigent defender boards, however, do operate in the state's rural areas to provide representation. Interview with James T. Spencer, Assistant District Attorney, Union Parish, in Farmerville, on Jan. 6, 1975. La. H.B. 1403, Reg. Sess. (1975) would provide for a state-wide public defender system.

70. Interview with Kenneth W. Campbell, Judge, Ruston City Court, in Ruston, on Jan. 9, 1975.

71. Children in need of supervision "are seldom if ever afforded legal counsel as the mother or father sees the obtaining of a lawyer as interfering with their plans to punish the child. Courts do not wish to appoint legal counsel as the inclination is to take the parents' side regardless of the circumstances." Address by Tom Jenkins, Coordinator, Division of Youth Services, to the Louisiana Juvenile Officers Ass'n, on Apr. 3, 1975.

72. "I often found the reason for the ungovernable behavior of a child when the parent or parents visited for the first time. In many cases I found mentally ill parents, parents extremely brutal or unreasonably demanding, or others who were very passive and really didn't care. Most of them used the detention home for a punishing agent. . . ." *Id.* See also P. MURPHY, OUR KINDLY PARENT . . . THE STATE 28 (1974): "[M]ost children who runaway from home probably do so for healthy reasons. In too many cases it is the parents who need supervision and counseling."

73. For possible alternatives, see NCCD COUNCIL OF JUDGES, PROVISION OF COUNSEL IN JUVENILE COURTS 27-32 (1970), discussing public defender, assigned counsel, and compensating counsel approaches.

*Police and Court Record-Keeping**Expungement of Agency Records*

A juvenile's record, which begins with the first official action by the police, generally includes personal identification items, a description of the incident that provoked the arrest, and the action taken by the police after interrogation. When the alleged delinquent act is serious, the youth may in some instances also be photographed and fingerprinted, a questionable practice since R.S. 13:1586.1(A) expressly sanctions photographing and fingerprinting only in cases of *commitment* to a correctional institution.<sup>74</sup>

The record thus compiled should be retained by police officials only in certain limited instances. Recent Louisiana legislation requires that if no petition is filed, if a filed petition is not accepted by the court, or if the child is subsequently adjudged not to be delinquent, "no arresting agency, police department, sheriff's office or any other agency . . . shall be permitted to keep on file . . . any record of arrest, photograph, fingerprint, or any other information of any and all kinds or description."<sup>75</sup> Keeping any notation or index reference which might lead to an inference that the agency had such information on file is also prohibited.<sup>76</sup> Unlike general expungement provisions,<sup>77</sup> these destruction requirements are intended to be self-executing.<sup>78</sup>

By enacting the rather stringent provisions on destruction, the Louisiana legislature apparently rejected the rationale commonly put forth to allow retention of juvenile records by police officials.<sup>79</sup> The

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74. LA. R.S. 13:1586.1(A) (Supp. 1972) provides: "A juvenile who has been committed to a juvenile correctional institution . . . may be fingerprinted and/or photographed." (emphasis added). "'Commit' means to transfer legal custody." LA. R.S. 13:1569(7) (1950), as amended by La. Acts 1972, No. 139, § 1. La. H.B. 1168, Reg. Sess. (1975) would expressly authorize the fingerprinting and photographing of any juvenile who has been arrested.

75. LA. R.S. 13:1586.1(D) (Supp. 1972). Phone interview with Lawrence Higgins, former Director, Youth Services Agency, in Baton Rouge, on Feb. 11, 1974. La. H.B. 1168, Reg. Sess. (1975) would allow police to retain juvenile records until the child reaches the age of majority.

76. LA. R.S. 13:1586.1(D) (Supp. 1972).

77. See LA. R.S. 13:1586.1(E), (F) (Supp. 1974). See also, LA. R.S. 44:9 (Supp. 1970), as amended by La. Acts 1974, No. 531, § 1, providing for expungement of adult records.

78. For a discussion of the advantages of a self-executing expungement procedure see Comment, 4 COLUM. HUMAN RIGHTS L. REV. 461, 480 (1972).

79. See Ferster & Courtless at 602; Comment, 4 COLUM. HUMAN RIGHTS L. REV. 461, 464 (1972). Retention of police records on juveniles is a common practice in most states. *In re Gault*, 287 U.S. 1, 24 (1967).

practice of retaining juvenile records is often justified on the grounds that the records are used by law enforcement officials and government agencies for informational purposes, that they facilitate the control and prevention of crime, and that they supply a history of police encounters and personal information that enables the police to act "in the best interest of the youth" upon a subsequent encounter with the police.

In contrast, the Louisiana rule seems to reflect the objections made by those who argue against retaining juvenile records. Many strong reasons exist for requiring destruction of records concerning juveniles who have not been subsequently adjudicated delinquent.<sup>80</sup> The required destruction guards against unauthorized access to juvenile files and prevents the possibility of police predisposition against certain children based solely on their past records as reflected by the size of their files.<sup>81</sup> Studies indicate that the youth with a police record is very often "the subject of police suspicion in the event of neighborhood illegality,"<sup>82</sup> and that undue reliance on previously compiled juvenile records may in some instances encourage slipshod investigative work by the police. Police reliance on juvenile files may also engender an attitude of defiance in the always-suspected youth.<sup>83</sup> Another danger inherent in retention of juvenile records by authorities is the potential for creating misinformation. An inconsequential act by a youth could be written up in terms of criminal statutes with the exaggerated result remaining a permanent part of his record.<sup>84</sup>

Despite the cogent reasons for requiring automatic expungement and the explicit language of the Louisiana statute, many law enforcement agencies interviewed continued to retain all information on juveniles with whom they had dealt, regardless of subsequent disposition of a juvenile's case. The retained information would in some cases be used to aid the police in making detention decisions.<sup>85</sup> In

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80. See TASK FORCE REPORT at 92: "[S]tigma, represented in modern society by a 'record,' gets translated into effective handicaps by heightened police surveillance, neighborhood isolation, lowered receptivity and tolerance by school officials and rejections of youth by prospective employers."

81. For discussion of the so-called "accordian" file, see Coffee at 587 n.53; Comment, 4 COLUM. HUMAN RIGHTS L. REV. 461, 465-66 (1972).

82. Comment, 4 COLUM. HUMAN RIGHTS L. REV. 461, 469 (1972). See also TASK FORCE REPORT at 92.

83. Cf. R. ROSENTHAL & L. JACOBSON, PYGMALION IN THE CLASSROOM (1968).

84. One example frequently cited is the case of a fourteen-year-old youth charged by the police with child molesting for kissing his thirteen-year-old girl friend in public. The boy was reprimanded and sent home, but the arrest charge remained in police files. Gough, *The Expungement of Adjudication Records of Juvenile and Adult Offenders: A Problem of Status*, 1966 WASH. U.L.Q. 147, 173.

85. See Comment, 4 COLUM. HUMAN RIGHTS L. REV. 461, 469 (1972): "One of the



addition, administrative units of juvenile court centers,<sup>86</sup> contending that they constitute a part of the juvenile court and thus do not fall within the statute's prohibition against "agency" retention,<sup>87</sup> also retain information regardless of case disposition.<sup>88</sup> Some Louisiana police departments interviewed, however, maintained a policy of annually destroying records of persons with only minor offenses as juveniles when they have passed the juvenile court's jurisdictional age limit.<sup>89</sup> The law enforcement agencies throughout the state that do not practice this sort of periodic review and destruction of records should be compelled to do so. Moreover, each juvenile court and district attorney should assume the responsibility of seeing that agencies comply with current statutory provisions requiring self-executing expungement when there has been no subsequent adjudication of delinquency.

#### *Public Access to Juvenile Records*

State law also restricts public access to juvenile court records<sup>90</sup> and other records regarding juveniles which may be legitimately retained.<sup>91</sup> Nevertheless, requests for information on an individual's brushes with the law as a juvenile are received regularly by juvenile courts and law enforcement agencies dealing with children. The United States armed services are frequent inquirers.<sup>92</sup> Knowledge by the military of the exact cause for a juvenile's encounters with the law may help in making an intelligent decision on his admission into the service; however, it may also provide unwarranted grounds for his

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most subtle record problems is the use of police records to justify decisions already made. Selective reference to a large record can support a decision and justify it."

86. These administrative units are composed of detention, intake, and probation sections.

87. See LA. R.S. 13:1586.1 (Supp. 1972).

88. Retention by these administrative units has been justified on the ground that a bar to the retention of complete information by the juvenile court would cause the filing of more petitions on alleged delinquents, since the court would have less historical information on each child. Interview with Margaret Vick, Chief Probation Officer, East Baton Rouge Parish Family Court, in Baton Rouge, on Feb. 5, 1975. However, all records retained by the juvenile court are privileged and as such are not subject to public inspection. LA. R.S. 13:1586 (1950).

89. Interview with Sgt. John Smith, Juvenile Division, Baton Rouge City Police, in Baton Rouge, on July 14, 1974.

90. LA. R.S. 13:1586 (1950). *But see* LA. R.S. 13:1580.1(C) (Supp. 1968) (records of traffic violations by children are subject to public inspection).

91. LA. R.S. 13:1586.1(A-D) (Supp. 1972).

92. Interview with Staff Sgt. Lester Smith, Recruiter, United States Army, in Baton Rouge, on June 20, 1975. *See also*, Comment, 4 COLUM. HUMAN RIGHTS L. REV. 461, 468 (1972).

rejection or unreasonably limit his advancement once he has been inducted.<sup>93</sup> The local practices in Louisiana range from permitting military access to records only upon court order, which is seldom granted, to allowing military access to juvenile files merely upon an informal request to a court official.<sup>94</sup> Fairness would seem to require that a uniform practice, including a set of strict guidelines, control military access to juvenile records. The same should be true of potential employers who often seek and sometimes obtain information on juveniles.<sup>95</sup>

One measure that, if enacted, could fortify the confidentiality of juvenile files is a limitation on the right of the military or employers to ask potential inductees or employees for information regarding juvenile encounters with the police or juvenile courts.<sup>96</sup> Often an individual seeking to enlist in the armed services or to gain employment will be asked to recount his juvenile record on an application form or to sign a waiver form authorizing the requesting agency or employer to gain access to such records.<sup>97</sup> Perhaps the confidentiality sought by statute can never fully be attained unless the person seeking information as to juvenile encounters with the police is prohibited from requesting such data from any source.<sup>98</sup>

Under R.S. 13:1586.1(B), fingerprints and photographs of juveniles may be sent to a central state or federal bureau of criminal

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93. See TASK FORCE REPORT at 92: "The reality of stigma . . . is . . . borne home by the firm policy of the Armed Forces, which may make [a juvenile's former status as a ward of the juvenile court] the grounds for rejection, or most certainly the bar to officer candidacy."

94. Interview with Kenneth W. Campbell, Judge, Ruston City Court, in Ruston, on Jan. 9, 1975.

95. Cf. LA. R.S. 13:1586.1(C) (Supp. 1972), which forbids police from disclosing to potential employers the fact that there exists a record containing a photograph or fingerprint of a juvenile offender. See also O. KETCHAM & M. PAULSEN, JUVENILE COURTS, CASES & MATERIALS 412 (1967).

96. See Ferster & Courtless at 608. But cf. Karst, "The Files": *Legal Controls Over the Accuracy and Accessibility of Stored Personal Data*, 31 LAW & CONTEMP. PROB. 342, 370 (1966): "[I]t is highly questionable whether the state should deny the employer the information upon which to make his own decision."

97. Interview with Staff Sgt. Lester Smith, Recruiter, United States Army, in Baton Rouge, on June 20, 1975. Staff Sgt. Smith stated that the Army always requests this information from applicants and that refusal to consent to military review of these records is a bar to further consideration for admission.

98. Note, however, the requirement for participation in the newly-created pre-trial intervention program which allows a person to avoid the stigma of a criminal conviction only if he allows program officials access to his juvenile records. Interview with Col. S.H. Berthelot, Director of Pre-trial Intervention Program, in Baton Rouge, on March 20, 1975.

identification only when "necessary in the interest of national security."<sup>99</sup> In the opinion of some officials, the statutory language is broad enough to allow release to the Federal Bureau of Investigation of information on a case serious enough to require commitment of the juvenile. In addition, some Louisiana law enforcement agencies regularly make available to the F.B.I. information regarding juveniles who have committed serious delinquent acts. Such broad interpretation of the restrictive clause seems to undermine the legislative intent of the statute by allowing state and national agencies access to information which the state legislature has deemed more advisedly limited solely to local agencies.

### *Conclusion*

The juvenile justice system offers a tremendous opportunity to achieve results which are in the best interest of the children who come in contact with it. The interviews conducted by this writer reveal that a number of Louisiana officials share an enthusiastic interest in enforcing present juvenile laws and in refining them to provide more adequately for the needs of our youth. At the same time, however, there appears to be several disparities between "paper rules" and long-standing "working rules."<sup>100</sup> Lack of enforcement may be largely attributed to a lack of awareness of the applicable provisions by the officials who are charged with the responsibility of carrying them out. A practical measure which would aid official compliance with current statutes is for each juvenile court to inform local law enforcement agencies of the content of the juvenile laws, especially of recent amendments thereto. This task can be facilitated by the publication of a juvenile code consisting of pertinent Louisiana laws<sup>101</sup> and by unification of juvenile court and police policies throughout the state to improve the administration of juvenile justice in Louisiana.

*Charles Laurence Spencer*

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99. See *New York Times Co. v. United States*, 403 U.S. 713, 719 (1971), where the term "national security" is described as a "broad, vague generality. . . ."

100. "'Rule' is well confined to the prescriptive sphere. 'Paper rule' is a fair name for a rule to which no counterpart in practice is ascribed. 'Working rule' indicates a rule with counterpart in practice, or else a practice *consciously* normatized." K. LLEWELLYN, *JURISPRUDENCE: REALISM IN THEORY AND PRACTICE*, 12 n.9 (1962). See E. SCHUR, *LAW AND SOCIETY: A SOCIOLOGICAL VIEW* (1968).

101. La. H.B. 929, Reg. Sess. (1975) would create a juvenile code.

## APPENDIX

The following persons were interviewed in connection with the preparation of this comment. The writer expresses his appreciation for the time and assistance given by all participants and for the financial support received from James T. Spencer.

**STATE LEVEL:** Richard Crane, Counsel for the Louisiana Department of Corrections; Gordon Daniell, Juvenile Probation and Parole Officer IV, Division of Youth Services [hereinafter referred to as YSA]; Guy D'Antonio II, Attorney for the Joint Legislative Committee on the Study of Juvenile Law; John Harris, Juvenile Probation and Parole Officer IV, YSA; Lawrence Higgins, former Director, Louisiana Youth Commission and Bureau of Youth Services; Thomas A. Jenkins, Coordinator, YSA; Linda Knight, secretary for the Louisiana Legislative Counsel; Fred Lindsey, Institutional Programs Administrator, YSA; Robert R. Rochester, Director, YSA; Efton Wright, Supervisor of Juvenile Probation, YSA.

**BIENVILLE PARISH:** Harold McCarthy, Chief Deputy Sheriff.

**CALCASIEU PARISH:** Major Landry, Lake Charles City Police; George C. Woolman, Chief Probation Officer, Calcasieu Parish Juvenile Court.

**CLAIBORNE PARISH:** J.R. Oakes, Sheriff; J.J. Smith, Clerk of Court.

**EAST BATON ROUGE PARISH:** Robert Brumberger, Supervisor of Volunteer Services, Family Court; Col. S.H. Berthelot, Director of Pre-Trial Intervention Program; John Caskey, Counsel for the Baton Rouge Police Department; Lt. J. Duvall, Juvenile Division, Baton Rouge City Police; Robert Eemes, former Assistant Public Defender; Emmett Irwin, Intake Officer, Family Court; Dianne Jenkins, former Assistant District Attorney; Alvin Johnson, Attendant II, Family Court; Betty Laxton, Juvenile Probation Officer, Family Court; E. Donald Moseley, Judge, Nineteenth Judicial District Court, Family Court Division; Dale Powers, former Juvenile Traffic Court Referee; Thomas B. Pugh, Judge, Family Court; Sgt. John Smith, Juvenile Division, Baton Rouge City Police; Staff Sgt. Lester Smith, Recruiter, United States Army; Margaret Vick, Chief Probation Officer, Family Court.

**LAFAYETTE PARISH:** Tina Bileau, secretary to the Superintendent, Lafayette Parish Juvenile Detention Facility; Capt. Danny Broussard, Sheriff's Juvenile Division; Wayne Culpepper, Director, Lafayette Juvenile and Young Adult Program; Lt. Pete Hebert, Sheriff's Juvenile Division; Kaliste Saloom, Jr., Judge, Lafayette City Court; Vernon Sonnet, former Juvenile Probation and Parole Officer III, YSA.

**LINCOLN PARISH:** Patti Benjamen, Deputy Sheriff; Kenneth W. Campbell, Judge, Ruston City Court.

**OUACHITA PARISH:** Fred Fudickar, Jr., Judge, Fourth Judicial District Court; David Harkins, Director, Ouachita Parish Juvenile Detention Home and President, Louisiana Juvenile Detention Home Association; Doris Lively, Probation Officer; Warren C. Maddry, Juvenile Probation and Parole Officer II, YSA; Terry M. McPhearson, Superintendent of Social Services for Monroe, Welfare Department; Jack Norman, Juvenile Officer, Monroe City Police; James Norris, Assistant District Attorney; J.Y. Pipes, Juvenile Probation and Parole Officer II, YSA; Elvis C. Stout, Judge, Monroe City Court.

**UNION PARISH:** Melba Frasier, Deputy Sheriff; Fred W. Jones, Jr., Judge, Third Judicial District Court; James T. Spencer, Assistant District Attorney.

Questionnaire responses were received from officials in the following parishes: Acadia, Assumption, Bossier, Caddo, Concordia, Jefferson, Jefferson Davis, LaSalle and Rapides.

