

**Juvenile Offenders
Crime Victims Rights
Law Enforcement Responsibilities**

Crime Victims Rights when involving a Juvenile Offender are the same as if the offender were an adult in cases of -- felony grade violent offenses, such as murder, attempted murder, rape, or a crime against another child.

They should be given the La. Victim Notice and Registration Form to complete, and information or referral to the EBRSO Victim Services Division for assistance.

CHC 811.1

CHAPTER 3-A. RIGHTS OF THE VICTIM

Art. 811.1. Rights of the victim of alleged delinquent act

A. The juvenile court, district attorneys, and **law enforcement agencies** (shall) provide the following services to victims of alleged delinquent acts, providing the victim reported the act to law enforcement authorities within seventy-two hours of its occurrence or discovery, unless extenuating circumstances exist for later reporting:

(1) **The district attorney shall**, whenever practical, inform the victim or his legal representative of judicial proceedings relating to their case including:

- (a) The taking into custody of the alleged delinquent.
- (b) Adjudication hearings and disposition hearings relating to the alleged delinquent.
- (c) The release pending adjudication after a continued custody hearing whenever **an alleged delinquent is accused of a violent offense, such as attempted murder, rape, or a crime against another child.**

(2) The **district attorney shall**, whenever practical, notify the victim or his legal representative if a court proceeding to which he has been subpoenaed will not go on as scheduled, in order to save the person an unnecessary trip to court.

(3) The **district attorney(shall)** notify the victim or his legal representative whenever he is notified that a child accused of a violent offense such as attempted murder, rape, or a crime against another child, has escaped from lawful confinement or has been released in accordance with Chapter 6 of this Title, and whenever a child committed to the Department of Public Safety and Corrections has escaped or has been released from a secure institution. ****The district attorney (shall) also inform the victim that the sheriff shall provide information relative to victim assistance. This Means**Referral to SO Victim Assistance Division****

(4) ***The sheriff (shall) *inform the victim or his legal representative of financial assistance, fees, or other social services available as a result of being a victim of a crime, including information on how to apply for the financial assistance and services. This Means**Referral to SO Victim Assistance Division****

(5) The court should provide, whenever possible, a secure waiting area during court proceedings that does not require victims and their legal representatives to be in close proximity

to accused children and their families and friends. The juvenile court shall provide a secure waiting area in cases involving violent crime.

(6) All judicial and law enforcement agencies shall expeditiously return any stolen or other personal property to victims when no longer needed as evidence.

(7) **The appropriate law enforcement agency (shall) ensure that the victim receives emergency, social, and medical services as soon as possible.** The **appropriate law enforcement agency (shall) also distribute to the victim, or to the family of a homicide victim, a crime victim's brochure prepared by the Crime Victims Reparations Board as provided in R.S. 46:1844(T),** and supplemented as necessary by the district attorney with victim information specific to the parish in which the delinquent act is alleged to have occurred, as provided in R.S. 46:1844(A).

This Means ** #1-Shall refer victim to SO Victim Assistance Division for CVR information and

#2-Shall give the victim or parents the La. Victim Notice and Registration Form (when arrest is made)**

(8) All law enforcement agencies shall provide a private setting for all interviewing of victims of crime. "Private setting" shall mean an enclosed room from which the occupants are not visible or otherwise identifiable and whose conversations cannot be heard from outside such room. Only those persons directly and immediately related to the interviewing of the victim, specifically the victim, a social worker, psychologist, or other professional, the victim advocate designated by the sheriff's office, or a representative from a not-for-profit victim service organization, including but not limited to rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups providing emotional support to the victim, shall be present, unless the victim requests the exclusion of such person from the interview, and, where appropriate, the parent or parents of the victim.

(9) The victim or the family of **the victim shall have the right to retain counsel to confer with law enforcement and judicial agencies on the disposition of the victim's case.** The prosecutor, in accordance with the provisions of Code of Criminal Procedure Article 63, may confer with the counsel retained by the victim or victim's family in the prosecution of the case.

(10) If requested, the victim of a violent felony-grade offense and the designated member of the victim's family in the case of homicide or injury to a minor shall be consulted by the prosecutor in order to obtain their view regarding:

(a) The disposition of the delinquency case by dismissal, plea bargaining, or adjudication hearing.

(b) The use of available disposition alternatives such as placement in secure detention, probation, community service, and the payment of restitution to the victim.

(11) **The victim or a member of the victim's family may file a victim notice form as provided in R.S. 46:1842(8).** Upon filing of a victim notice form by a victim or a family member, it shall be the duty of the Department of Public Safety and Corrections to notify the victim or family member by certified mail of appeal or release at the time of such appeal, discharge, or parole of a delinquent named in that form. Such form shall be

included in the delinquent's commitment documents to be delivered to the state training facility where such delinquent has been confined or transferred.

(12) The victim or witness who so requests (**shall**) be assisted by judicial and **law enforcement agencies** in informing employers that the need for victim and witness cooperation in the prosecution of the case may necessitate absence of the victim or witness from work.

B. The family members of all homicide victims shall be afforded all of the rights under this Article accruing to victims. Communication with the appropriate law enforcement or judicial agencies concerning the rights of the victim's family members shall be made through a designated family member. A designated family member is a member of the victim's family designated by a majority of the victim's family members to make such communications.

Obviously there is more, but this covers the reasons the victim/family should be given the La. Victim Notice and Registration Form and also referral to the EBRSO Crime Victims Services Division; all this should be in there report*****FYI the La. Victim Notice and Registration Form is confidential*****

In accordance with R.S. 46:1844(T)(2), "All victim notice and registration forms, and the information contained therein, shall be kept confidential by all law enforcement and judicial agencies having possession. The information shall be used only for the purposes required by this Chapter, and shall be released only upon court order after contradictory hearing."

From Mark Dumaine- With D.A. Hillar Moore's Office

MEDIA INFORMATION: Juvenile Crimes Open to the Public

The following question was received on October 29, 2009 from a member of the media. This office has developed the following answer for members of the media and the public who frequently ask this question.

Question:

Is there a list of crimes involving juveniles that are open to the public? I'm just trying to figure out which proceedings we can attend?

Answer:

All juvenile court proceedings involving "allegations" of a crime of violence are open to the public. Also, open to the public are "allegations" involving a juvenile charged with a second or subsequent felony offense. The age of the defendant is not a requirement for the public nature of this proceeding.¹

The public nature of these proceedings has been well established by the Louisiana Supreme Court in *State in the Interest of D.W.* to include "all proceedings in a juvenile delinquency case."²

¹ Ch.C. Art. 407. Confidentiality of hearings

A. With the exceptions of delinquency proceedings pursuant to Article 879, child support proceedings, traffic violations pursuant to Chapter 2 of Title IX in parishes with a population between three hundred eighty thousand and four hundred thousand, and misdemeanor trials of adults pursuant to Chapter 4 of Title XV, proceedings before the juvenile court shall not be public. **However, the court shall allow the proceedings to be open to the public when the alleged delinquent act committed by the child would be considered a crime of violence as defined in R.S. 14:2(B), or when the alleged delinquent act would be a second or subsequent felony-grade adjudication.**

B. The child, his parents, counsel, the district attorney, authorized officers of the court, and witnesses called by the parties may be present at an adjudication hearing. The court may admit any other person who has a proper interest in the proceedings or the work of the court. **In delinquency proceedings involving the violation of R.S. 14:30, first degree murder; R.S. 14:30.1, second degree murder; R.S. 14:42, aggravated rape; R.S. 14:44, aggravated kidnapping; or R.S. 14:64, armed robbery; the court shall admit the victim and the victim's spouse, children, siblings, and parents.**

² *State in the Interest of D.W.*, 865 So.2d 45, 48, 2003-2754 p. 5 (La. 1/30/04). See *Chicago Tribune v. Mauffray*, 996 So.2d 1273, 1278, 2008-522 p. 7 (La. App. 3 Cir. 11/5/08) ("the judge has no discretion whatsoever to close the proceedings to the public.")

Updated 3/28/12

Art. 819. Continued custody hearing; time limitations

If a child is not released to the care of his parents, a hearing shall be held by the court within three days after the child's entry into the juvenile detention center or shelter care facility. If the hearing is not held, the child shall be released unless the hearing is continued at the request of the child.

Updated 3/28/12

Although public members attending a juvenile court hearing may speak freely about these matters, please be aware that law enforcement, the District Attorney, and the Court are each limited as to "identifying information." They may only release the name, age, and

crimes charged for juveniles over the age of 14.5

Any questions concerning public information about a juvenile charged with a crime may be addressed to the District Attorney or the prosecutors assigned to the Juvenile Section of the District Attorney's office.

⁵ Ch.C. Art. 412 H. **The district attorney, (law enforcement agency), or court may release to the public the following identifying information concerning an alleged or adjudicated delinquent child, provided the child was at least fourteen years old at the commission of the delinquent act:**

(1) **The name, age, and delinquent act** for which the child is being charged whenever, in accordance with Article 820, the court has found probable cause that the child committed a crime of violence as defined by R.S. 14:2(B) or a second or subsequent felony-grade offense.

(2) **The name, age, delinquent act, and disposition of a child who has been adjudicated delinquent for a crime of violence as defined by R.S. 14:2(B), for a second or subsequent felony-grade offense, or for the distribution or possession with the intent to distribute a controlled dangerous substance as defined in R.S. 40:961 et seq.**

A complete list of all crimes of violence can be found in Revised Statute 14:2 of the Louisiana Criminal Code.³ Our juvenile courts hear approximately 70 crimes of violence cases each month. In addition, every juvenile detained in our local detention facility must have a hearing within 3 days of the arrest.⁴ In East Baton Rouge, these detention hearings are held in our juvenile courts every Monday, Wednesday, and Friday.

³ **R.S. 14:2 B. Crimes of violence:** In this Code, "crime of violence" means an offense that has, as an element, the use, attempted use or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempt to commit any of them are included as "crimes of violence."

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| (1) Solicitation for murder | (26) Assault by drive-by shooting |
| (2) First degree murder | (27) Aggravated crime against nature |
| (3) Second degree murder | (28) Carjacking |
| (4) Manslaughter | (29) Illegal use of weapons |
| (5) Aggravated battery | (30) Terrorism |
| (6) Second degree battery | (31) Aggravated second degree battery |
| (7) Aggravated assault | (32) Aggravated assault upon a peace officer |
| (8) Mingling harmful substances | (33) Aggravated assault with a firearm |
| (9) Aggravated rape | (34) Armed robbery; use of firearm |
| (10) Forcible rape | (35) Second degree robbery |
| (11) Simple rape | (36) Disarming of a peace officer |
| (12) Sexual battery | (37) Stalking |
| (13) Second degree sexual battery | (38) Second degree cruelty to juveniles |
| (14) Intentional exposure to AIDS virus | (39) Aggravated flight from an officer |
| (15) Aggravated kidnapping | (40) Aggravated incest |
| (16) Second degree kidnapping | (41) Battery of a police officer. |
| (17) Simple kidnapping | |
| (18) Aggravated arson | |
| (19) Aggravated criminal damage to property | |

- (20) Aggravated burglary
- (21) Armed robbery
- (22) First degree robbery
- (23) Simple robbery
- (24) Purse snatching
- (25) Extortion4