



Criminal Justice Issues in Louisiana

Presentation to Council for a Better Louisiana:
Leadership Louisiana Class of 2002
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Judge Marion F. Edwards,
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Outline: Criminal Justice Issues in Louisiana

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How one community works together to deal with crime.

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- The Juvenile Justice Commission/Should our juveniles be locked up?
- The Death Penalty
Is it worth the costs?
The Feltus Taylor, Jr. Story

IV. Questions/Discussion



The Louisiana Profile

A Few Interesting Facts.....

State Rankings*:

- ❖ 2001 Most Dangerous State; LA is #4 (which is an improvement)
- ❖ #1 in state prison incarceration rate; 1999 (#1 for men, #2 for women)
- ❖ Black state prisoners as a percent of all prisoners in 1998: Louisiana was #2 – 76.4%; National was 48.3%
- ❖ #1 in rate of juveniles in custody (1997); 582 of 100,000
- ❖ #5 in persons executed from 1977-1999
- ❖ #4 in juvenile death sentences 1973-2000
- ❖ #2 in percent of Death Row inmates who are black – 67.1%

* Morgan Quitno, 2001



Who are we incarcerating and why?

Louisiana: There are 102,275 persons in Louisiana who are on probation, parole or incarcerated by our Department of Corrections.

| | |
|--|----------------|
| Adults on Probation or Parole: | 58,158 |
| Adults in Prisons and Jails: | 37,447 |
| Juveniles in Correct. Institution: | 1,360 |
| Juveniles in Non-secure Custody: (group home, etc.) | 738 |
| Juveniles in Non-custody: (probation, etc.) | 5,310 |
| Total DOC Population in LA: | 102,275 |



Who are we incarcerating and why?

LA DOC Population Includes:

- **Lifers: 3,780 (10% of adult pop.)**
- **Death Row: 96**
- **DOC Incarcerated Population, by Race:**

Black = 28,280 inmates

White = 9,094 inmates

Other = 70 inmates

TOTAL # in prison = 37,447

*DOC FACT Sheet 7/02



Who are we incarcerating and why?

Our Incarcerated Adults:

32.6 Years - Average age

75.5% Black, 24.3% White

21.15 Years - Average number of years to be served

37.6% Violent Crime

31.8% Drug Crimes

20.6% Property

Incarcerated Adults
Type of Crime

Our Incarcerated Juveniles:

54% are between 16-17 years of age

77.4% Black, 21.6% White

25.1% have a maximum length of sentence of 1-1.9 years

22.4% have a maximum length of sentence of 2-2.9 years

15.4% have a maximum length of sentence of 3-3.9 years

26.5% Violent Crime

13.4% Drug Crimes

39.0% Property

Incarcerated Juveniles Type of
Crime

Who are we incarcerating and why?

DOC Adult Offenders in Prison

| Type of Crime | Current Total # of Yrs. To be Served | Current Average Age |
|----------------------|---|------------------------|
| Violent | 38.18 yrs. | 36 |
| Drugs | 9.34 yrs. | 34 |
| Property | 6.98 yrs. | 34 |
| Other | 7.62 yrs. | 37 |
| Total Average | 21.15 yrs. To be served | 35 |

Who are we incarcerating and why?

Type of Crime for Adults & Juveniles in DOC System

| | Violent | Drug Crimes | Property | Other |
|---------------------------|----------------|--------------------|-----------------|--------------|
| Adults: | | | | |
| Probation | 6.8 | 40.8 | 33.8 | 18.6 |
| GTPS | 18.9 | 39.9 | 26.6 | 14.6 |
| Parole | 14.5 | 54.3 | 24.5 | 6.7 |
| In Prison | 37.6 | 31.8 | 20.6 | 10.0 |
| | | | | |
| | Violent | Drug Crimes | Property | Other |
| Juveniles: | | | | |
| Non-Custody | 10.4 | 12.1 | 36.5 | 41.0 |
| Non-Secure Custody | 14.1 | 5.8 | 32.9 | 47.2 |
| Secure Custody | 26.5 | 13.4 | 39.0 | 21.1 |

Who are we incarcerating and why?

National

The expansion of the prison industry is largely due to the incarceration of non-violent offenders (drugs & other non-violent crimes)

- ❖ 51% state prisoners
- ❖ 74% jail inmates
- ❖ 87% federal prisoners

Imprisoned for acts that did not involve harm or threat of harm to a victim

Women

- ❖ Women are the fastest growing, least violent prisoners.
- ❖ 65% of women have minor children, compared to 55% of men.
- ❖ 64% of women prisoners lived with minor children at the time of arrest, compared to 44% of men – this has a huge effect on foster care budgets in some states.
- ❖ Children of incarcerated parents are six times more likely to be incarcerated themselves.

The Elderly

- ❖ By 2010, elderly inmates will make up 20% of the prison population.
- ❖ It costs about \$69,000 per year to house elderly inmates.



Who are we incarcerating and why?

Drug Offenders in the U.S.

| | |
|-----------------|--|
| 63 per 100,000 | Admission rate to prison for drug offenses in 1996 |
| 20 per 100,000 | Admission rate for white drug offenders |
| 279 per 100,000 | Admission rate for black drug offenders |

Blacks are incarcerated for drugs at a rate of 14 times that of whites, yet 5 times as many whites use drugs as blacks (p. 11, JPI, July 2000).



How Much Does This Cost Us?

Louisiana

| Adults | 2001-2 Final Budget | Cost per Day |
|-------------------------------|---------------------|-------------------------|
| Corrections Administration | \$36,541,603 | |
| Total Adult Prisons | \$279,589,887 | \$43.31 |
| Adult Probation/Parole | \$43,037,504 | \$1.98 |
| Adult Community Based Program | \$2,989,245 | \$18.25 |
| Adult Inmate in Local Jails | \$144,999,245 | \$22.39 |
| Total | \$507,157,484 | Average: \$33.85 |



How Much Does This Cost Us? (cont.)

Louisiana

| Juveniles | 2001-2 Final Budget | Cost per Day |
|-------------------------|---------------------|--------------------------|
| SCCY-Monroe | \$16,498,565 | \$132.64 |
| SCCY-Madison (Tallulah) | \$17,900,395 | \$115.49 |
| JCCY-Baton Rouge | \$22,566,724 | \$113.80 |
| BCCY-Bridge City | \$8,537,798 | \$126.28 |
| Total | \$65,503,582 | Average: \$112.89 |

| Juveniles | 2001-2 Final Budget | Cost per Day |
|---|---------------------|--------------|
| Probation/Parole/Field | \$13,806,455 | \$5.49 |
| Contract Services (group homes, day treatment) | \$25,012,805 | ----- |
| Administration | \$14,643,761 | ----- |



How Much Does This Cost Us?

National Costs

Corrections was the fastest growing line item in state budgets in the 1990's.

- ❖ \$40 billion to imprison 2 million state and local inmates in 2000.
(compared to \$5 billion in 1978)
- ❖ 1 out of 14 general fund dollars spent on prisons.
- ❖ \$24 billion of the \$40 billion was spent to incarcerate non-violent offenders.
- ❖ 16 states saw no or reduced growth in prison populations in 2000.



What solutions are being examined?

- ❖ Repeal mandatory sentencing laws
- ❖ Treat drug offenders with alternatives to prison
- ❖ Modify habitual offender laws and let judges make sentencing decisions
- ❖ Examine community alternatives for non-violent offenders who are the primary care givers of their children
- ❖ Establish a new sentencing structure that will allow judges to use a continuum of correctional options
- ❖ Create a new system for post-prison support
- ❖ Divert children from a life of crime.

Justice Policy Institute, 2002



What are the Alternatives?

For Adults – three promising programs are:

- Mental Health Courts
- Drug Courts
- Re-Entry Courts

For Juveniles – lots of best practices!

- Community Based Treatment
- Multisystemic Therapy (MST)
- Drug Courts
- Mentoring



What are the Alternatives?

Mental Health Courts

- ❖ Have been established in some parts of the country to provide treatment for appropriate persons with mental disabilities who are engaged in criminal activity.
- ❖ Eligibility for mental health courts depends on the diagnosis of a mental illness, rather than the offense that was committed.
- ❖ Mental health courts focus on linking offenders to the mental health community and reconnecting these individuals to their family for support.



What are the Alternatives?

Drug Courts

- ❖ An alternative to incarceration for individuals involved with drugs and related criminal activities that uses court supervised community treatment.
- ❖ Uses structure and authority of the judiciary to force drug offenders into treatment.
- ❖ Initial outcome data collected by American University estimates that of more than 100,000 persons who have entered drug courts in the U.S. since 1989, 70% have either successfully completed or are still participating in the program.
- ❖ Recidivism ranges from 5 to 28%. Among drug court graduates, recidivism is 4%.
- ❖ At a cost of \$1,500 to \$3,500 per offender – drug courts are a cost effective alternative.
- ❖ Because of the success of adult drug courts, we now have juvenile drug courts.



What are the Alternatives? Re-Entry Courts

“The means by which all offenders (not just drug users) could be reintegrated into communities once released from correctional facilities.”

(Jeremy Travis, 1998)

- The Re-entry Court keeps offenders engaged in corrections based treatment and court based monitoring throughout their custody term and once released, providing a continuity of appropriate treatment and court based accountability in the community.
- This program serves short-time offenders at the local level and longer term offenders coming out of state prisons.
- It closes the intervention gap in between pre-jail treatment and post release treatment needs.



What are the Alternatives?

The Jefferson Parish Example: How one community works together to deal with the crime problem and the long range costs to the community.

Jefferson Parish has taken a three prong approach to dealing with their crime problem:

- 1) Code 6 Career Criminal Program
- 2) Continuum of Community Based Alternatives; i.e. Drug Courts
- 3) Citizen Support and Involvement – I CAN Help, Inc.



Jefferson Parish Example

Code 6

- Began in October 1992 as a joint effort by the D.A.'s and Sheriff's Offices.
- Based on empirical research of Wolfgang and Rand Corporation showing that 75% of crime is committed by 6% of the criminals.
- Identification system developed to locate the 6% in Jefferson Parish, with an emphasis on violent and drug crimes.
- By 2002, 77,000 Code 6 subjects were arrested.
- Success due to early identification of serious, chronic and violent offenders, direct involvement of D.A. early in case, high bonds, quick trial dates and long sentences.



Jefferson Parish Example: Community Based Alternatives

The Drug Court

- Has had 557 participants since inception in 1997.
- There have been 146 graduates or persons who have successfully completed the program.
- 71% retention rate
- 0% recidivism rate of graduates (data only collected for past year).
- Cost of treatment per client - \$3,339 annually
- Treatment services include:
 - Individual, group and family therapy
 - Moral reconnection Therapy
 - Parenting classes
 - Psychoeducation
 - Psychiatric services/medication
 - Outpatient treatment
 - Referral to detox services
 - Referral to short term inpatient treatment
 - Referral to long term inpatient treatment



Jefferson Parish Example: Citizen Support & Involvement I CAN Help, Inc.

When Jefferson Parish officials were advised that their federal funds for the Drug Court program would be ending, they convened parish government, community volunteers and other interested persons and organizations to keep the adult and juvenile drug programs alive.

The I CAN Help, Inc. non-profit association was formed to:

- Increase public awareness of the Jefferson Parish I Can Drug Court Programs.
- Educate local and state public officials as to the high success rate, low recidivism rate and low costs of these programs.
- Develop funding sources in order to institutionalize and expand these programs.

Funds raised locally in 2001 to support the I CAN Drug Court Program totaled \$183,527. This included funds from parish sources, a gala fundraiser, a chili cookoff, the Compac Classic and other miscellaneous donations!



Current Topics

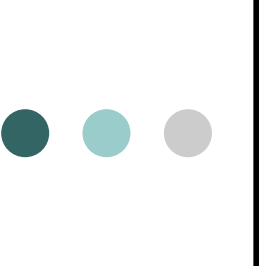
The Baton Rouge Serial Killer

What the research says:

- Assumptions:
1. Empirical research on serial killers is not particularly reliable.
 2. There is a level of progression from fantasy to the 1st kill to subsequent kills.
 3. There are several types of killers – they do not all behave the same.

One Typology for Serial Killers (Ron Holmes):

- Power oriented – dominance and control
- Hedonistic – sexual arousal and sexual conquest
- Mission oriented – to remove an undesirable from society. Ex: Prostitutes
- Visionary – sees and hears things that tell him to kill. Ex: Son of Sam



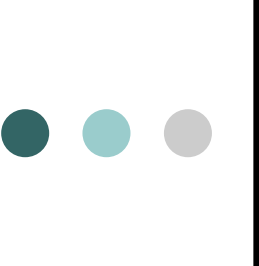
Brief Summary of Literature Profiling Serial Killers

1. General profile

- White male – 20's 30's, maybe 40's.
(there are some minority serial killers but they are very statistically underrepresented)
- Could be “one of us”; the boy next-door, etc.
- The serial killer generally does not know his victim, so I suspect early crimes would not have taken place with a known victim either. If he does know them, he is able to mentally “dissociate” from them.
- Could be part of mainstream society-with a formal relationship or wife.
- Almost always has a drug/alcohol problem
- Almost always has involvement with pornography and may have an addiction (particularly a serial sexual killer)
- Average to superior intelligence (may or may not be well educated)
- This man is emotionally isolated-not necessarily introverted-but he is “in his head” most of the time, so may appear “distant” to others. His outward orientation is to mask his inner loneliness.
- Generally, sexually dysfunctional (probably apparent during sexual assault).
- Difficulty maintaining relationships

2. Important crime scene/crime type information

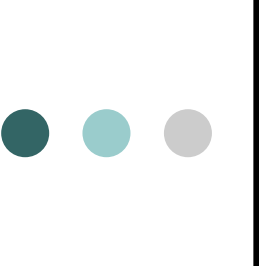
- Method in which victim was “gotten” [this is an important characteristic that can tell a great deal about the killer]
- For example, did he ask her directions, abduct her, force his way into her home, follow her out of the store, impersonate a police officer, delivery man, etc.?
- Was the initial approach to her aggressive or did he try to “smooth talk” his way into her life?



Brief Summary of Literature Profiling Serial Killers (cont.)

Important crime scene/crime type information (cont.)

- Was he hiding somewhere?
- It could be the “catch” that is of utmost priority to this person.
- Method in which victim is “subdued”
- For example, was she beat, held down, tied, threatened with gun or knife, tied up?
- Level of organization in assault
- Is it probable that the victim was stalked for some time? Did he get her as she completed a part of her “daily routine”?
- Did he have supplies with him? Duct tape, rope, knife, condoms, other items?
- Did the attack take place at a time and place that required pre-planning or thought?
- Behavior of assailant during attack?
- Did he give verbal or non-verbal indication that he thought she deserved this or had “asked for it”?
- Did he talk to her during the attack or tell her what to say to him?
- Was he extremely aggressive or violent or did he try to get what he wanted by trying to appear reasonable or manipulative?
- Characteristics of the sexual assault
- Type of sex- oral anal, vaginal?
- Did any of the following behaviors take place?
- Beating, biting, intentional torture, insertion of objects into victim’s body, whipping, bondage, near asphyxiation, obsession with breasts?
- Length of time involved in assault



Brief Summary of Literature Profiling Serial Killers (cont.)

3. General characteristics in background of serial killer

- Early childhood not happy-may have mother and father, but father often becomes absent.
- Evidence of problems throughout-from school behavior, bedwetting, cruelty to animals, lying, etc.
- Increasing frequency of masturbation and fantasizing.
- Emotional distance/neglect with intimate family members (mom, in particular).
- Serious emotional abuse as a child;
- May have either been target of violence or witnessed violence in the home.
- Serial killers are more likely to have been involved in some sort of sexual trauma as a child.
- There is family history of mental illness and some sort of substance abuse.
- Serial killer develops addictions-pornography, alcohol, and drugs.
- Increasing fantasy, emotional distance from others – something “propels” them into the criminal behavior; when they escalate to their first homicide, they continue on this course until caught. Most become increasingly violent, organized, controlling-particularly if he is a sexual serial killer.

4. Characteristics of victim

- age, race,
- occupation
- physical description
- body size
- geographic location
- lifestyle?

5. Evidence from related crime scenes

Current Topics

Juvenile Justice Commission

The Louisiana Juvenile Justice Commission (JJC) was created by House Concurrent Resolution #94 during the 2000 Legislature.

The JJC and a statewide advisory group have been empowered to:

“examine the issues of the current state of our juvenile justice system and to take bold steps to improve the system”

- The JJC has been working on a report, with a series of recommendations for reform, that will be ready in January 2003.
- The impetus for the report is well known – Louisiana locks up more children than other states and has a dismal record of rehabilitating youth who get into trouble with the law.
- ***Currently, over 50% of Louisiana’s incarcerated youth are property or other non-violent offenders.***
- Among other recommendations, the JJC will call for the gradual return of appropriate incarcerated youth to local communities for services
- Our juvenile justice system is cost prohibitive:
 - Incarceration – \$128.98 per day per youth
 - Residential care – \$96.64 per day per youth
 - Non-residential care - \$3,504 per case per year

Current Topics

The Death Penalty - Is it worth the cost?

Estimated Costs:

North Carolina

\$2.16 million per execution more than non death penalty case

Florida

Death penalty costs Florida \$51 million a year above what it would cost to put murderers in prison for life. *The Palm Beach Post* estimates that each execution costs \$24 million.

Texas

Death penalty case costs an average of \$2.3 million – about three times as much as imprisonment in a single cell for 40 years.

Ohio

The state spend at least \$1.5 million to execute a mentally ill man who wanted to die. Costs include:

\$18,147 for overtime for prison employees

\$12,250 for state patrol officers

\$5,320 for satellite truck to announce the execution

Mississippi

Quitman County officials say they will have to raise taxes to pay for the Death Penalty.

Georgia

Long County Administrator, “If you’re spending \$300,000 for a death penalty case, that’s \$300,000 you could be using to buy road equipment, paying salaries, the fire and sheriff’s department – We don’t have a lot of room to play with this.”

Whether you are for or against the death penalty, the costs, in addition to the innocence issues, certainly raise some questions about our priorities!

The Ultimate System Failure: Successful Adoption, Failed School and Community Support

Summary: *In 1991, Feltus Taylor, Jr. shot two co-workers at a restaurant where he had been employed as a fry cook. One died, and the other person is permanently disabled.*



Excerpts from Sister Helen Prejean's introduction to Waiting to Die (Unpublished manuscript of Feltus Taylor, Jr.)

“I liked him when I met him. I couldn't help but like him. Feltus Taylor is soft-spoken and sincere and there is a little boy affection in him.....His crime was horrific. In a restaurant during an attempted robbery, he shot and killed Donna Ponsano and pumped several bullets into Keith Clark... He's sorry for what he did...

By the time these words make their way into readers' hands, Feltus Taylor will have been killed by the State of Louisiana, and most people will say *Good Riddance*.

But there is a difference. Feltus wanted to do something redemptive for the world. He knew that the human life that he took could never be replaced, but he somehow wanted to give life to the world. And so he has told the story of his life – how he started out as a child and what happened to him along the way – and his terrible mistakes. Once he said to me with great earnestness: ‘Maybe the young people reading my story will learn from my mistakes. Maybe I can help them choose a different way’.

At heart, I see the main theme of the Feltus' life as a struggle to make connections with people, to belong to the human family. It was, I believe, this sense of disconnectedness from people that triggered the desperate act of violence.

He tells his story well. He doesn't whine or offer excuses. He writes honestly and with a disarming simplicity. His story –his legacy to the world–makes us think of other desperate young people like him who we know and to whom we must reach out before they, too, explode in violence.

(Excerpts from personal communication to Cecile Guin, May 18, 2000)

In his own words. . .

“I have never before told my past in detail. And I’m not doing it now because I’m proud of how bad, how evil I was. I’m doing it because people are always speculating about why I am as I am. And to understand that about a person, why they do the things that they do, you have to know the whole story of their past. You have to know all their experiences, all the pain that’s been a part of their life.”

— Feltus Taylor, Jr.
Waiting to Die (unpublished manuscript)



Major Points about Feltus' Life

- **Pre-natal / in utero conditions**
- **Infant abandonment and deprivation**
 - **Developmental delays**
- **Family-related issues**
- **School failure**
- **Adolescent environment**
- **Early prison experience**
- **Post-release survival with unmet needs and few skills**
- **Murder and conviction**
- **Transformation, impact, and peaceful resolution**

In developing the social history for Feltus' post-conviction appeal, we were able to locate his birth mother and half-siblings. His mother was in a federal prison in New York. They were able to talk on the phone and they also communicated by mail.

Feltus' half siblings came to visit him on death row.

His mother got out of prison and never contacted him again. His siblings made promises to write and visit, but they never did.

Feltus was prepared to die in May of 1998. He received a stay and went into a major depression. He had been prepared to die.

In his book, Feltus writes about this dark time in his life and his confusion over the love and support that he had developed over his 10 years on death row.

“I started to wonder, *Where was Charles (spiritual advisor) when I was out on the streets? As a matter of fact, where were all of the people I now know and have come to love and care for, when I was on the outside?*

I mean, these people stuck by me through thick and thin. I didn't know anybody like them when I was growing up. Where I grew up, most of them were single parent homes with the mother trying to be the father, mother and breadwinner. With all of this work going on, the time a mother has for her child is limited. Where is the father? Maybe he ran out because he couldn't handle his job. But that doesn't do anything for the little boy who, at the time, doesn't know why his father left. Sometimes, that boy may even feel like *he* is the reason his father left home. Then he will start to feel unloved and uncared for.

Like I did.

And now I had people who stuck around, no matter what. *If I had known them then, I wouldn't be here now, I thought. Why now, and not then?* I decided to ask God about it when I met Him face to face. I had prayed about it, but I was confused, ever still. I didn't really know how to die this way.

But God knows what's best for me, I said to myself. *If it is my time, I want death to come to me as my friend and not fear it at all. I believe God can and will help me with part of it.*

As matter of fact, I know He will.

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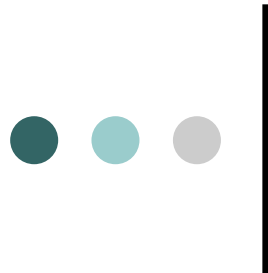
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Appendix Items



About the Adult Population

| Type of Custody | RACE | | | |
|------------------------|--------------|--------------|--------------|--------------|
| | White | Black | Other | Total |
| Probation | 44.2% | 55.4% | 0.4% | 100.0 |
| Parole | 34.6% | 65.0% | 0.4% | 100.0 |
| GTPS* | 27.0% | 72.9% | 0.1% | 100.0 |

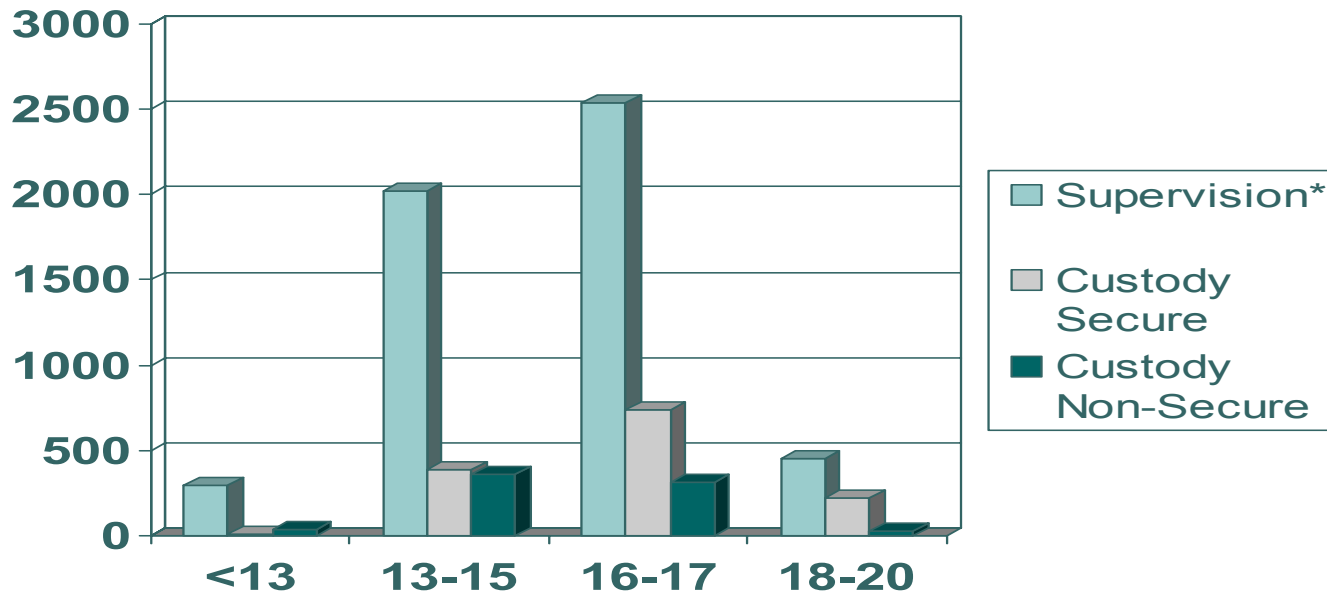
* Good time parole



About the Adult Population

| Type of Custody | GENDER | | |
|-----------------|--------|--------|-------|
| | Male | Female | Total |
| Probation | 77.5% | 22.5% | 100.0 |
| Parole | 87.3% | 8.9% | 100.0 |
| GTPS | 91.1% | 12.7% | 100.0 |

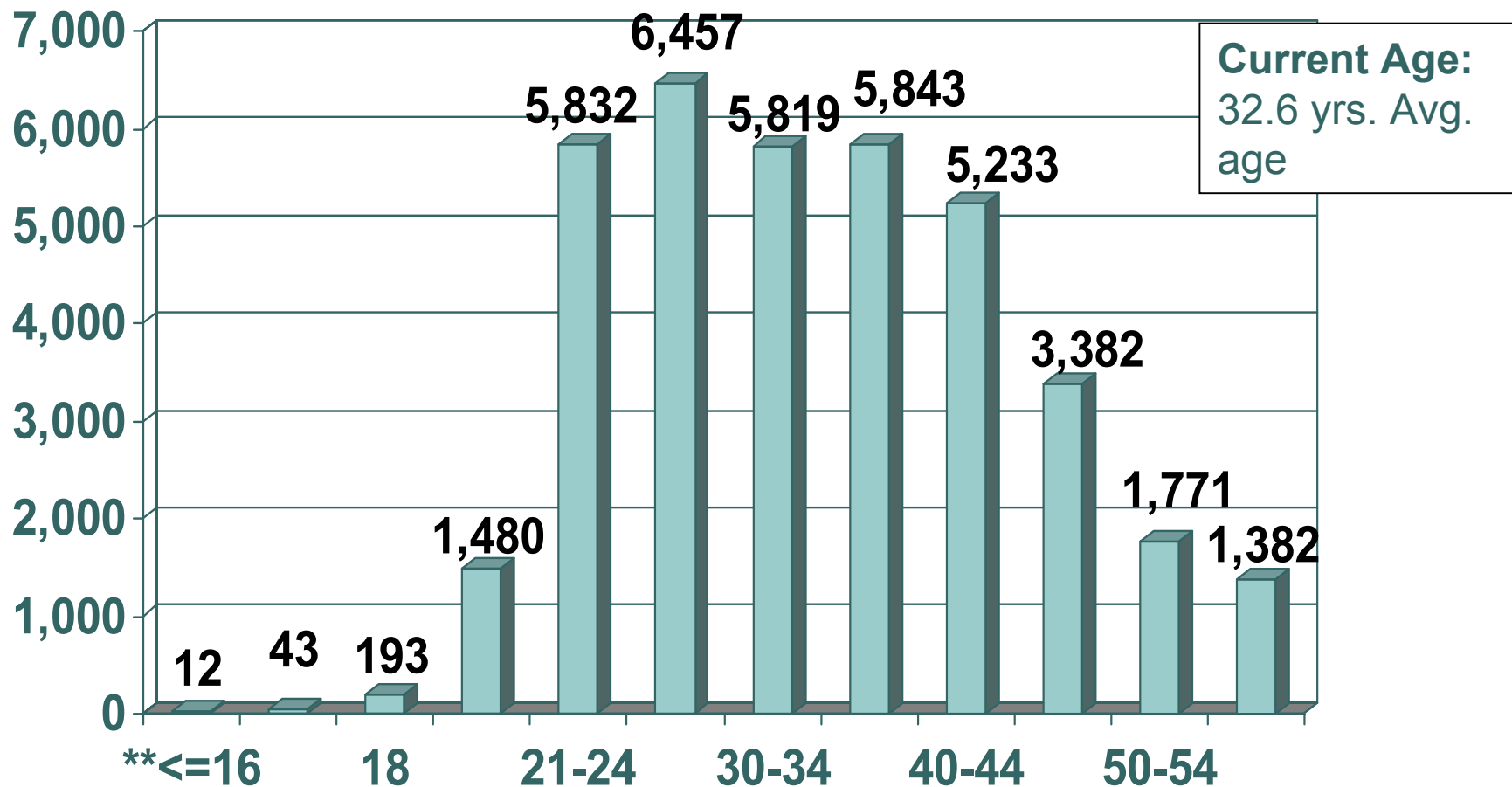
Demographic Profiles of the Juvenile Offender Population



| | <13 | 13-15 | 16-17 | 18-20 |
|--------------------|-----|-------|-------|-------|
| Supervision* | 299 | 2022 | 2541 | 448 |
| Custody Secure | 12 | 392 | 736 | 220 |
| Custody Non-Secure | 38 | 357 | 315 | 28 |

*Supervision includes probation, parole, and informal adjustment agreement cases

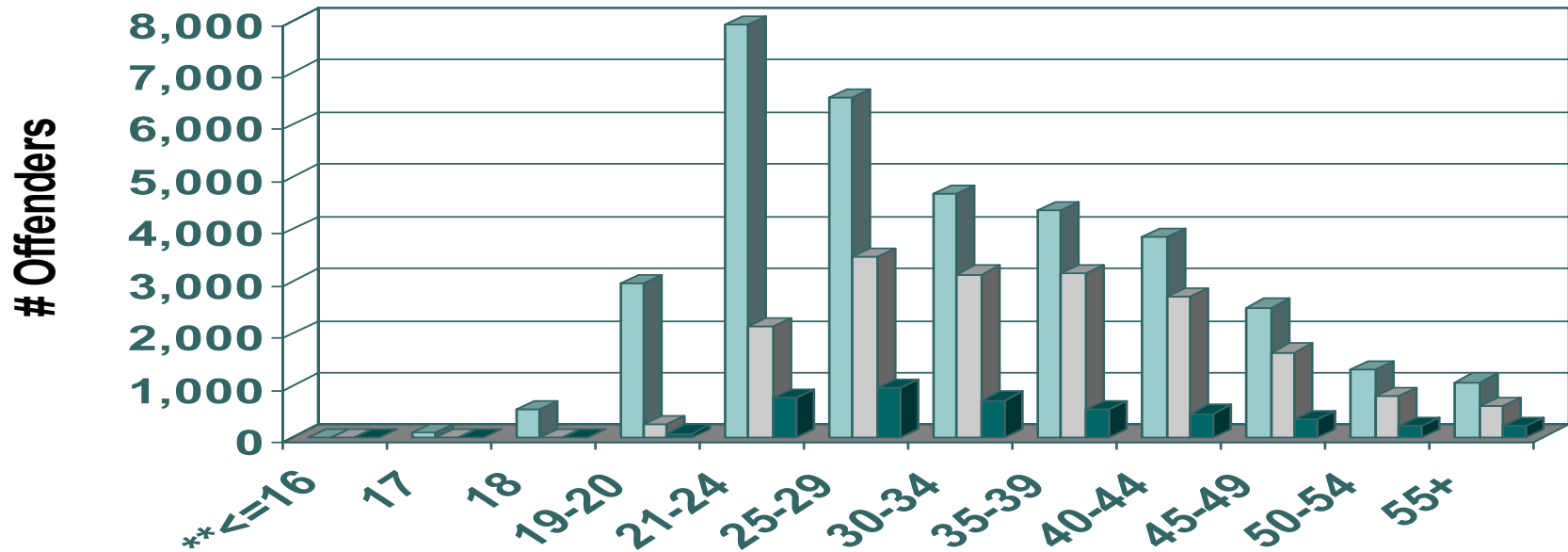
Demographic Profiles of the Adult Correctional Population



*Includes out-of-state, U.S. Marshal holds, appeal bond, escapes, extradition, etc.

**Youngest age of incarcerated

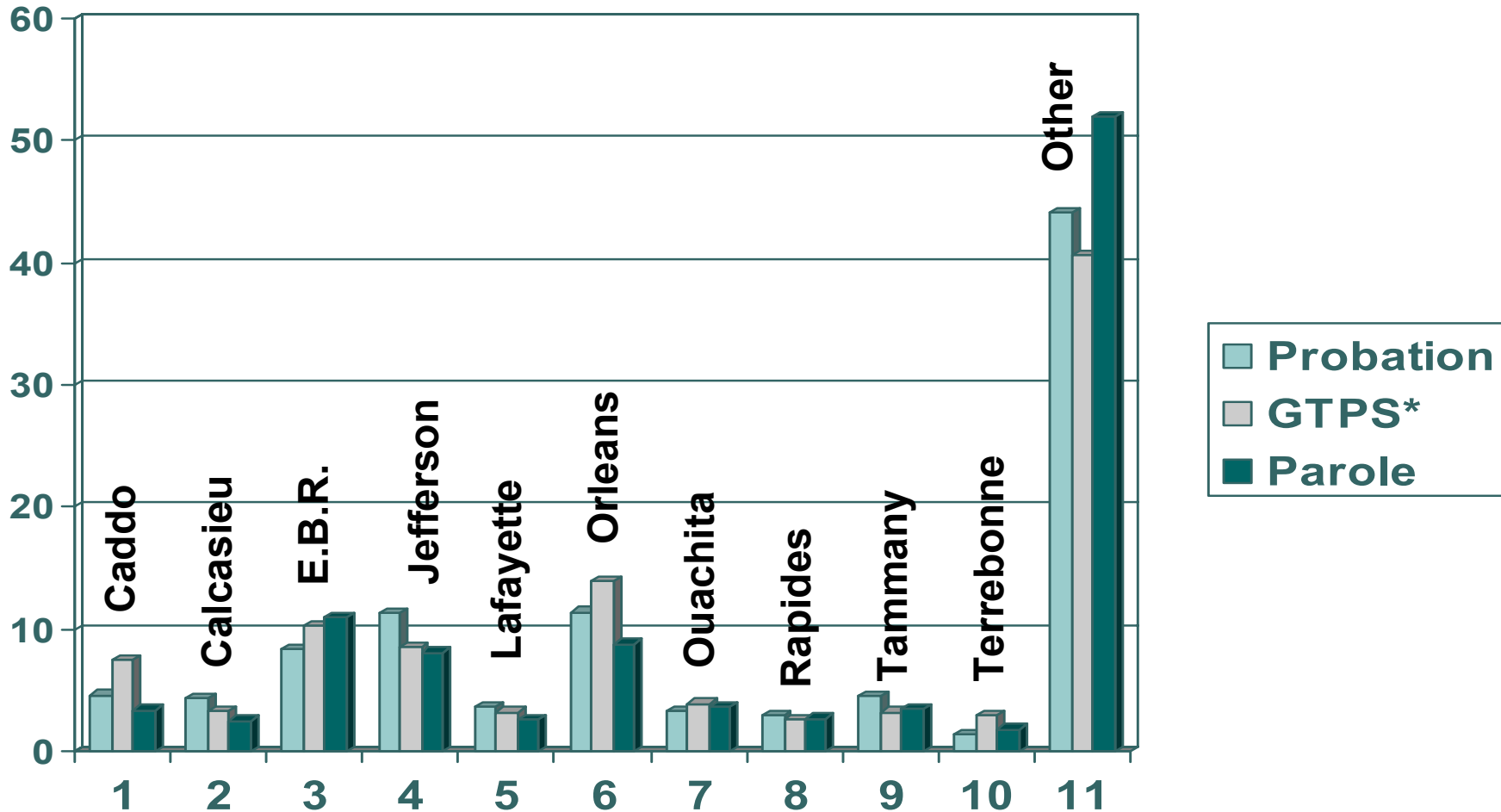
Demographic Profiles of the Adult Population and Parole Population



| | | | | | | | | | | | | |
|------------------|---|----|-----|------|------|------|------|------|------|------|------|------|
| Probation | 7 | 99 | 547 | 2962 | 7926 | 6533 | 4962 | 4372 | 3854 | 2506 | 1317 | 1073 |
| GTPS* | 0 | 2 | 14 | 251 | 2142 | 3478 | 3143 | 3146 | 2709 | 1641 | 810 | 602 |
| Parole | 0 | 0 | 7 | 86 | 762 | 953 | 720 | 544 | 465 | 350 | 224 | 221 |

*(Diminution of sentence) GTPS-goodtime/parole supervision

Parish of Commitment



*(Diminution of sentence) GTPS-goodtime/parole supervision