



Supreme Court

STATE OF LOUISIANA
400 ROYAL STREET
SUITE 1190
New Orleans
70130-8101

CHIEF JUSTICE

BERNETTE JOSHUA JOHNSON

JUDICIAL ADMINISTRATOR

SANDRA A. VUJNOVICH

TELEPHONE: (504) 310-2550

FAX: (504) 310-2587

April 6, 2020

Re: Juvenile Defendants

Dear Louisiana Judges,

I am writing this letter to judges with jurisdiction over juvenile defendants to suggest some additional recommendations consistent with those transmitted on April 2, 2020 to all judges with reference to adult criminal dockets. (A copy of my April 2, 2020 letter is attached for your information.)

Juveniles in poor health and those with underlying conditions are particularly vulnerable to the COVID-19 virus. We know that juveniles held in facilities are at increased risk of contracting and spreading the virus to others, including staff and their families and communities. In order to contain the virus, we have a small window of time to minimize the number of children held in close quarters, including jails, detention centers, and secure care facilities. Please adhere to the following guidelines:

1. With regard to pre-trial detainees and consistent with my April 2, 2020 letter to all judges with adult criminal dockets, I am asking you to consider whether detention is necessary for juveniles charged with misdemeanors, non-violent offenses, status offenses or technical violations. If they pose no harm to public safety, they should receive the same consideration as an adult offender and should be released with a summons to appear for a future court date.
2. I am requesting that you review your dockets and, pursuant to La. Ch. C. Art. 909 et seq., to determine whether you can modify dispositions and order the release of a juvenile who has a non-violent adjudication or less than ninety days remaining in custody, and make individualized assessments as to the modifications of others.
3. Please take advantage of the technology available to hold hearings remotely to accomplish these goals. As a reminder, there is a roundtable discussion this Tuesday, April 7, 2020 at 12:00pm CT sponsored by the Louisiana City, Family and Juvenile Judges Association, the Louisiana District Judges Association, and the Louisiana Supreme Court should you wish to participate and receive guidance on available technologies and other matters regarding juvenile proceedings in light of this global pandemic. (Note that the roundtable discussion will be secure. Information on how to access tomorrow's roundtable discussion will be circulated later today.)

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I know that many of you have already been prioritizing cases involving vulnerable children and pursuing ways to reduce the number of children in detention or other confined facilities to minimize the spread of COVID-19. I commend you for that. Thank you all for your continued service to our state and to your community at this challenging time.

Please take good care of yourself and your families.

Sincerely,

A handwritten signature in black ink that reads "Bernette J. Johnson". The signature is written in a cursive, flowing style. The first name "Bernette" is written in a larger, more prominent script, followed by "J." and "Johnson".

Chief Justice Bernette J. Johnson

Attachment



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April 2, 2020

To Louisiana Judges:

Thank you for all that you are doing during this crisis to mitigate the spread of COVID-19 throughout our state. Experts estimate the rate of spread of COVID-19 in Louisiana will be one of the highest in the nation. The decisions that you make will have a significant impact on our communities and our state and will save lives.

Louisiana has a significantly higher-than-average parish jail population. An outbreak of COVID-19 in our jails would be potentially catastrophic for jail staff, the families of jail staff, and inmates. Therefore at this time, it is important to safely minimize the number of people detained in jails where possible. In order to restrict the potential spread of this contagion through jails, I ask that each judge in her/his criminal division, and in conjunction with prosecutors, public defenders and sheriffs, conduct a comprehensive and heightened risk-based assessment of all detainees (except those who have been convicted of felony offenses and remanded to the Department of Corrections) in accordance with the following guidelines:

1. For those charged with misdemeanor crimes, other than domestic abuse battery, favor a nominal bail amount, or a release on recognizance order – with, of course, a notice to appear on a future date;
2. For those convicted of a misdemeanor crime, consider modification to a release and supervised probation or simply time-served;
3. For those charged with a non-violent offense, consider a reduced bail obligation or a release on recognizance order with, of course, a notice to appear on a future date;
4. For those charged in other criminal matters, re-examine the nature of the offense and criminal history, if any, to determine if any bail revisions are appropriate;

5. Where the Department of Probation and Parole requests a revocation of probation and it is within your discretion to revoke, please confer with Probation and Parole to determine whether there is an alternative to detention, especially with technical violations;
6. For those being held due to an outstanding warrant “hold” from another judicial district or jurisdiction, please request prosecutors and a designated sheriff’s deputy promptly communicate with that jurisdiction to determine whether the underlying reason for the hold is sufficiently minor (e.g., a minor traffic offense, failure to pay money obligations, failure to return a rental movie) such that release can be effected or whether the detainee can be immediately transferred;
7. Please suggest to law enforcement that, whenever practicable, they issue summons and citations on misdemeanor crimes and non-violent offenses in lieu of arrest, with a notice to appear on a future date.

During this very challenging time, the health of thousands of people is dependent on you, the Judges of Louisiana. I commend the way that many of you have already been pursuing ways to minimize outbreaks of COVID-19 in jails. This letter is to provide guidance on further comprehensive, heightened risk-based assessments in this unprecedented and challenging time.

Thank you for your valuable service to your community and our state. Please take good care of yourselves and your families!

Sincerely,

A handwritten signature in black ink that reads "Bernette J. Johnson". The signature is written in a cursive, flowing style.

Chief Justice Bernette J. Johnson