

## **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.<sup>1</sup>

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.”<sup>2</sup>

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<sup>1</sup> **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.

<sup>2</sup> *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.”)

A complete list of all crimes of violence can be found in Revised Statute 14:2 of the Louisiana Criminal Code.<sup>3</sup> 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.<sup>4</sup> In East Baton Rouge, these detention hearings are held in our juvenile courts every Monday, Wednesday, and Friday.

<sup>3</sup> **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."

(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) Extortion	

<sup>4</sup> **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.

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.<sup>5</sup>

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.

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<sup>5</sup> **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.