

Detention Advocacy for Defenders

*JDAI Inter-Site Conference
September 2007*



National Juvenile Defender Center

Mission

*To ensure excellence in
juvenile defense and promote
justice for all children*

Juvenile Detention Alternatives Initiative

- Mission

To demonstrate that jurisdictions can safely reduce reliance on secure detention.

- Hypothesis

That detention reforms will equip juvenile justice systems with values, skills, and policies that will change results in other components of the system, such as commitments to youth corrections facilities.

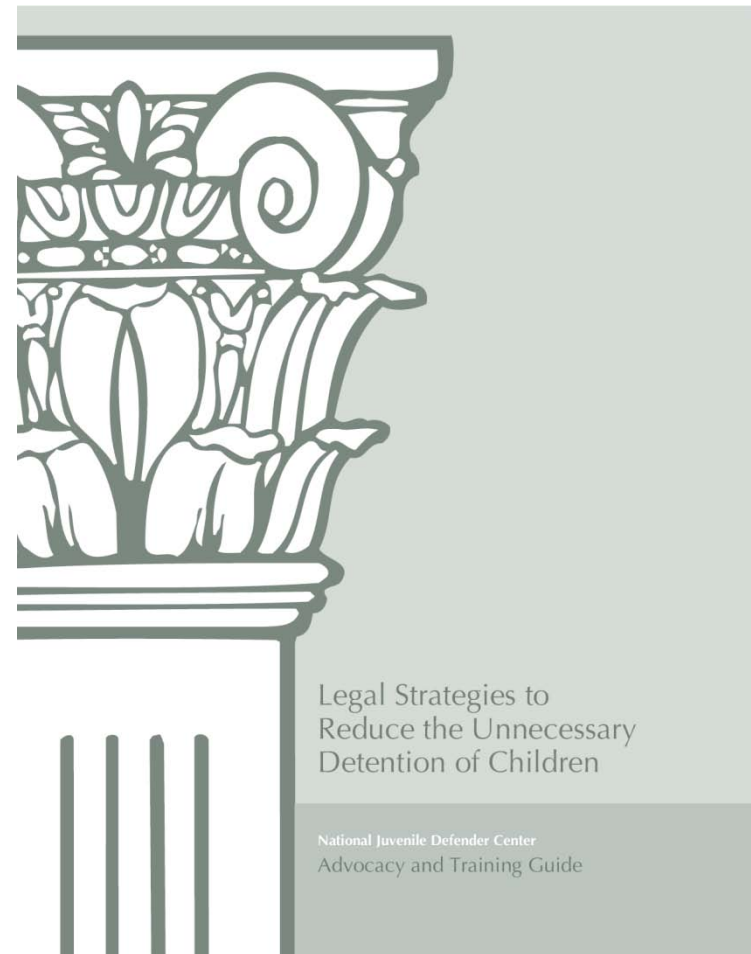
Juvenile Detention Alternatives Initiative

JDAI has four basic objectives:

- ❖ To eliminate the inappropriate or unnecessary use of secure detention;
- ❖ To minimize re-arrest and failure-to-appear rates pending adjudication;
- ❖ To ensure appropriate conditions of confinement in secure facilities; and,
- ❖ To redirect public finances to sustain successful reforms.

NJDC & JDAI

- In fall 2004, the National Juvenile Defender Center, with support from the Annie E. Casey Foundation, published *Legal Strategies to Reduce the Unnecessary Detention of Children*, an advocacy and training guide aimed at ensuring that juvenile defenders provide zealous and comprehensive legal advocacy at detention and related hearings.



Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

Functions of the Ten Principles

- For defenders: Aspirational guidelines
- For other juvenile justice professionals: Education about the importance of zealous detention advocacy

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

- **Preamble**

A. Goal of These Principles

- To aid defenders in advocating most effectively for an indigent juvenile client's release from detention in delinquency court.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

- Juvenile indigent defense counsel have a duty “to explore the least restrictive form of release [and] the alternatives to detention.”
- It is critically important for juvenile defenders to be as well-prepared as possible when they walk into detention hearings, where counsel’s often seemingly impossible goal is to:
 - present a history of the client leading up to the present day,
 - along with an individualized release plan that is responsive to the client’s expressed legitimate interests and bears in mind the needs of the court.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

B. Detention Advocacy Is Crucial To Every Aspect Of The Case, Including The Development Of The Attorney/Client Relationship.

Defenders must advocate aggressively for release in service to the attorney-client relationship. In many detention hearings, the defender's relationship with the client is new. There is no better way to bring voice and meaning to the attorney/client relationship than by taking the time to understand and fight for the client's expressed legitimate interest.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

C. Indigent Defense Delivery Systems Must Pay Particular Attention To The Disproportionate Detention Of The Most Vulnerable And Over-Represented Groups Of Children In The Delinquency System

- Nationally, children of color are severely over-represented at every stage of the juvenile justice process, and the detention stage is no exception. As of the fall of 2005, over two-thirds of the youth in detention were children of color, largely African-American and Latino youth. Not only are children from ethnic and racial minority groups disproportionately confined at detention hearings, but they suffer the effects of detention more acutely than other children.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

- **The Ten Principles**
 - 1. At The Detention Hearing, As At All Other Stages Of A Case, Defenders Fulfill Their Ethical Obligation To Advocate For The Expressed Legitimate Interests Of Each Child Client.**
 - IJA/ABA Standards

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

2. Defenders Consult With The Child Client As Early As Possible, And In All Cases Prior To The Detention Hearing.

- As far in advance as possible before the detention hearing, defense counsel should consult with the client to find out the client's expressed legitimate interests regarding detention and detention alternatives, including placement with family members or in a community-based program, as well as any specific reasons that mitigate against detention of the client.
- The initial meeting with the client should also include discussion of: attorney-client confidentiality; the attorney's ethical duty to zealously advocate for the client's expressed legitimate interests; the client's right to remain silent; the client's objectives for the case.
- Defenders should be sure to prepare the client's parent or guardian for their interview with the intake probation officer.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

3. Defense Counsel Prepares For The Hearing With Creative And Thorough Investigation.

- Defense counsel should conduct a complete investigation of the client's history in preparation for the detention hearing.
- Defense counsel should also investigate the allegations against the client for the probable cause hearing.
- Defense counsel should speak with the probation officer and the prosecutor before the hearing to ensure they receive and review any information and risk assessment instrument (RAI) they intend to rely on in the detention hearing.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

4. Defenders Use All Available Arguments And Information To Oppose A Finding Of Probable Cause.

- The probable cause standard is defined as
 - 1) whether there is probable cause to believe that a crime was committed and
 - 2) whether there is probable cause to believe that the child was involved.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

5. Defenders Argue For Judges To Abide By Statutory Criteria For Ordering Detention, Such As Risk Of Flight And Dangerousness.

- Defenders should go into detention hearings knowing the purpose of the state's juvenile justice act, the detention statute, and, specifically, the statutory criteria necessary to imposing detention.
- Defenders should make an abbreviated and portable reference packet that includes the statute and court rules, the statute's legislative history, and synopses of recent and relevant case law.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

6. Defenders Investigate And Argue For Alternatives To Detention, In Consultation With The Client.

- An alternative to detention is whatever creative plan a defender and community partners can devise that is responsive to the needs of the client and addresses the concerns of the court.
- To craft individualized detention plans using community-based resources, defenders must become familiar with the available detention alternatives.
- Defenders should challenge any decision to detain based on a lack of community resources.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

7. Defenders Are Aware Of Current Research On The Harmful Effects Of Detention And, When Appropriate, Use This Research To Argue Against Detention.

- Defenders must be familiar with their local detention facilities to be able to argue convincingly concerning the harmful effects of detention.
- Defenders should request or file Freedom of Information Act requests about criminal allegations, staff training guides, discipline guidelines, and statistics on the use of discipline detention facility used by their jurisdiction.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

8. Defenders Request That The Judge Make Written Findings And An Order Regarding Detention.

- Counsel should ensure that, in as timely a manner as possible, counsel receives a clear, concise written order documenting the court's findings with respect to the need for detention of the client.
- Counsel should review the order with the client as soon as possible.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

9. Defenders Ensure That Each Child Client Who Is Released Understands The Conditions Of His Or Her Release And Is Prepared To Fulfill These Conditions.

- Counsel should thoroughly explain the conditions of release to the client.
- Counsel should provide the client with the name and telephone number of the court worker assigned to monitor the client's case.
- Counsel should also contact the worker, provide counsel's name, address, and phone number, and let the worker know that the worker should consider counsel another resource as the client's case progresses.

Ten Principles for Providing Effective Defense Advocacy at Juvenile Delinquency Detention Hearings

10. Defenders file motions for reconsideration or Appeal Detention Decisions Immediately, If Warranted And In Consultation With The Client.

- After a detention hearing, defense counsel should immediately inform the client of his or rights to file motions and/or appeals.
- The defender should review the timelines involved, the likely outcome, and the affect that these hearings might have on the client's trial case.

The Ten Principles in Practice

- What are some of the systemic barriers to zealous detention advocacy that juvenile defenders face across JDAI sites?
- How have different defender offices tried to surmount these barriers?
- In other words: how can we realize the Ten Principles in real-life practice?



The Ten Principles in Practice

Ten Steps to Preparing for a Detention Hearing

1. Obtain P.C. declaration
2. Obtain client's juvenile court record
3. Meet with the client
4. Talk with parent/guardian
5. Talk with probation
6. Talk with Prosecutor
7. Assess the likelihood of your client's release
8. Make a plan for release
9. Identify people who support your client
10. Gather supporting documents

The Ten Principles in Practice

Site Visits

- Tucson, Arizona
- New Orleans, Louisiana
- Washington, D.C.

Methodology

- Interviews with juvenile justice professionals
- Detention Hearing Observation

The Ten Principles in Practice

Detention Law and Hearing Overviews

- Tucson
- New Orleans
- Washington, D.C.

The Ten Principles in Practice

- Timing and Appointment of Counsel
- Inequitable Discovery Issues Leading to Case Delays
- Slow Reaction Time Even After Critical Placement and Other Issues Are Identified Leading to Case Delays
- Resistance to Zealous Defense Advocacy
- Parents
- Meeting JDAI data collection requirements
- Detention statutes allow for detention on the grounds that no parent can be located
- Lack of community based detention alternatives

The Ten Principles in Practice

Problem: Timing and Appointment of Counsel

- Promising Practice: *Importance of the Pre-Detention Hearing Interview*: Allocate resources to allow juvenile defenders in each site to have a legal assistant who will interview the detained juveniles on the detention calendar and hand off notes with recommendations for placement options to the assigned defender.
- Promising Practice: *Afternoon Detention Hearings*: Encourage courthouses to schedule detention hearings for the afternoon, to allow defenders the opportunity to investigate and find out the detention recommendations for their new cases, interview their new clients, and introduce themselves to parents.
- Promising Practice: *Client Intake Form*: A comprehensive client intake interview form will include questions about, *inter alia*, whether the child is suicidal; whether the child or his parents will need an interpreter; prior delinquency and dependency case histories, school and, specifically, special education history; sports and other extracurricular activities; medical insurance; common mental health diagnoses, and lists of the common medications prescribed for each, so that defenders can just circle appropriate medications; cases in other jurisdictions; military service, and church involvement. That is, this form will be both needs- and strengths-based.

Probable Cause Hearings: Pre-Hearing Motions

- Motion to Preclude Detention at Local Detention Center Because of Inhumane Conditions (8th Amendment)
- *Motion in Limine* to Preclude Admission of Uncharged Misconduct
- *Motion in Limine* to Preclude Testimony Concerning Prejudicial Alias
- *Motion in Limine* to Exclude Parents from the Hearing (i.e., if parent is potential adverse witness in a domestic case)

Probable Cause Hearings: Standard Areas of Questioning

- Sources of information
- How the incident was reported to the police
- Elements of the offense(s)
- Opportunity to observe
- Description of suspect
- Bias of witness
- Possible defenses
- Consciousness of guilt
- Identification procedures
- Statements

Probable Cause Hearings: Standard Objections/Arguments

- Identification: The government has not sufficiently linked the respondent to the allegations in the petition.
- No crime: The government has not established probable cause to believe that a crime occurred.
- Elements: The government has not made a showing on each of the elements of the offenses.
- Hearsay must be reliable, even when it is admissible, and cannot be too attenuated.
- Attestation is deficient.
- Possible defenses negate probable cause.
- DMC observation for the record.

Probable Cause Hearings: Standard Post-Hearing Motions

- Motion to Reconsider Detention Decision
- Motion to Reopen Probable Cause Hearing in Light of New Information
- Motion to Recuse Detention Hearing Judge from Adjudication

The Ten Principles in Practice

Problem: Inequitable Discovery Issues Leading to Case Delays

- Promising Practice: *Require Evidentiary Testimony for the Probable Cause Determination:* Although the United States Constitution does not require the probable cause determination to be based on competent and material testimony, sites should be encouraged to require such evidence instead of a mere paper determination. An evidentiary hearing that allows defenders a full and fair opportunity to probe the allegations brings to light information about the offense that a mere affidavit in support of probable cause would not.
- Promising Practice: *Require Full Exchange of Discovery Before the Hearing:* In one jurisdiction, the detention hearing judge has ordered the government to turn over discovery before the detention hearing. This discovery includes the child's prior record, police reports, statements made by the child and any co-respondents, information concerning the identification procedure that was used, and the existence and nature of any tangible evidence. The probation office is also willing to reveal to defenders (though not in writing) their detention recommendation and the basis for it. Although it still has drawbacks, this discovery policy has the effect of saving the court, and, more importantly, the detained child, time in detention, as defense attorneys are able to be more prepared going into the detention hearing.
- Continuing Problem: None of the probation offices in any of the jurisdictions provides juvenile defense attorneys with the completed RAI, the computation of the score, or any explanation of any overrides. In one jurisdiction, the defenders received the RAI score; in two jurisdictions, the defenders did not receive even that.

The Ten Principles in Practice:

Problem: Slow Reaction Time Even After Critical Placement and Other Issues Are Identified Leading to Case Delays

- Promising Practice: *Detention Response Units*: Intake centers should be encouraged to allow a paralegal and a social worker detention response team to be stationed on their grounds, with the goal of interviewing, assessing the needs of, and addressing the issues of detained children as soon as they are detained. The team would be tasked with helping the children access resources that require legal intervention, including location of appropriate housing, health care, special education, and emancipation, as well as strengths-based programs, like suitability for placement in boarding schools or military academies, finding funding for school, applying for jobs, enrolling in college preparation courses. The team would also be able to connect the family to needed services, like counseling.

The Ten Principles in Practice

Problem: Resistance to Zealous Defense Advocacy

- Promising Practice: Regular meetings between the court, the chief of the juvenile section and the chief of the prosecuting attorney's juvenile section.

The Ten Principles in Practice

Problem: Parental Interference with Detention Advocacy

- Promising Practice: *Prepare parents beforehand*: Before the detention hearing, parents should have an opportunity to speak with the child's lawyer in a private setting. During that meeting, the lawyer should
 - Explain the detention hearing process;
 - Explain the delinquency system process;
 - Gather information relevant to detention advocacy, including information about school, parental control, family limits, peers, dangerousness, and returning to court;
 - Enlist the parent as an ally in the process, and let the parent know how s/he can be most helpful to the child; and
 - Explain attorney/client privilege, and how it affects the parent's involvement in the case.

The Ten Principles in Practice
Problem: Data Collection

- Promising practice: Each defender office (or, if a county has contract attorneys, the attorneys themselves should choose) Dedicated data staff member, or assigning a defender whose caseload (but not salary) is adjusted to make room for the data collection duties involved in tracking detention trends.

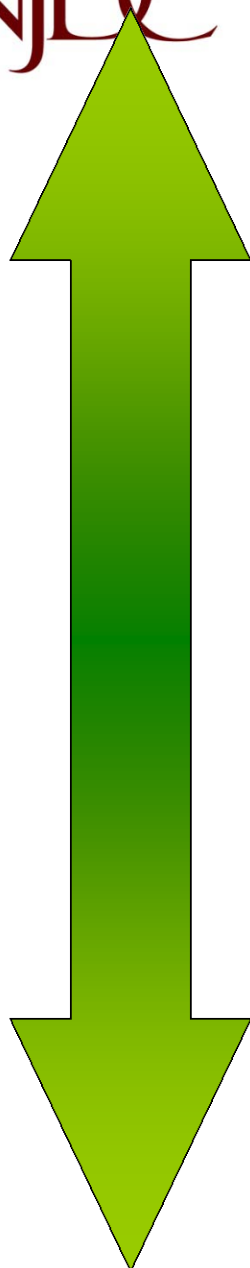
The Ten Principles in Practice

Problem: Lack of Community-Based Detention Alternatives

- Tucson
- New Orleans
- Washington, DC



Spectrum of Alternatives



- A set daily schedule, with fixed locations and times
- Attendance at treatment, counseling or school programs
- Curfew
- Informal daily reporting
- Restrictions regarding contact with particular people
- Restrictions regarding movement/travel
- Required presence of adult at all times
- Electronic monitoring
- Nights-only at detention (days=regular school, work, etc.)
- Day reporting
- Home detention
- Placement with a family friend
- Placement in a foster home
- Placement in a non-secure shelter, treatment facility or group home setting
- Secure detention with release only for school or work
- Detention, with an agreed time for court review if factors change



How can I argue for alternatives to detention when our community doesn't have any good placements?

- Argue detention is a violation of the purpose of the state juvenile justice laws
- State what is really happening
- Cross examine the probation officer
- Recommend second-best alternatives
- Argue that this is an abuse/neglect case or failure of a state agency
- Appeal detention decisions

Achieving Excellence in Detention Advocacy:
A Tool for Juvenile Defenders to Self-Assess Zealous
Advocacy at the Detention Hearing

- Purpose

- This tool is designed to assist defenders in tracking their performance at the traditional, three-part initial hearings held in most jurisdictions, with the three parts being arraignment, the probable cause determination, and the detention hearing.

Achieving Excellence in Detention Advocacy:
A Tool for Juvenile Defenders to Self-Assess Zealous
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RESULTS

Consider the following questions:

- Which elements of detention advocacy do you regularly provide to your child clients?
- Which elements of detention advocacy you do not provide?
- If you can not provide a service, what are the barriers to your representation?

Achieving Excellence in Detention Advocacy: A Tool for Juvenile Defenders to Self-Assess Zealous Advocacy at the Detention Hearing

- How would you characterize those barriers?
 - Are they systemic (i.e., excessive caseloads, inadequate compensation, insufficient supervision, insufficient non-legal resources like support staff, social workers, and experts),
 - Are they technical (i.e., lack of training opportunities in juvenile-specific practice),
 - Are they pattern and practice (i.e., no one files motions to reconsider because no one ever has)?
 - Where are the barriers rooted – your office, state laws or rules, local habits, your court system, or something else?

Achieving Excellence in Detention Advocacy:
A Tool for Juvenile Defenders to Self-Assess Zealous
Advocacy at the Detention Hearing

- Four Basic Components:
 - Meeting your Client
 - Preparing for the Hearing
 - Representation at the Hearing
 - After the Hearing

Achieving Excellence in Detention Advocacy: A Tool for Juvenile Defenders to Self-Assess Zealous Advocacy at the Detention Hearing

• Meeting your Client

- Did you meet with your client prior to the detention hearing?
- Did you meet in a private location where your conversations could not be overheard?
 - Did you speak with your client at any time without parents, guardians or any other people or parties present?
 - Did you conduct a comprehensive interview with your client using age appropriate language that included:
 - » attorney-client confidentiality rules; your ethical duty to zealously advocate for the expressed legitimate interests of your client; if client is detained, how client is doing in detention; client's right to remain silent;
 - » information relevant to the detention decision under your state's law, including whether the client has a prior record, the client's school attendance and performance, the client's home life, and, in jurisdictions that require them, what the results of the client's drug test will be
 - » the possible levels of detention (i.e., secure versus non-secure), and the client's opinion on possible alternatives to detention
 - » specific reasons that argue against detaining this child (vulnerability, age, special needs, health concerns, suicidal, etc.)
 - » client's objectives for your legal representation
 - » what the client should expect at the upcoming hearing, including an explanation of the purpose of the hearing and of the roles of each of the institutional actors (i.e. the judge, the prosecutor, and the probation officer) involved
 - » client's choice about whether to admit or deny the charges (plead guilty or not guilty)
 - » client's version of events to prepare for the probable cause hearing, to get names, contact information, descriptions, or hang-out locations of potential witnesses, and/or to begin investigation planning
- How much time did you have with your client before the hearing?

Achieving Excellence in Detention Advocacy: A Tool for Juvenile Defenders to Self-Assess Zealous Advocacy at the Detention Hearing

• Preparing for the Hearing

- Are you aware of the current case law, statutes, and court rules that define when a child can be detained in your jurisdiction?
- Are you aware of current research on the harmful effects of detention, both generally and specifically with respect to the places where the client is likely to be held?
- Are you aware of the current community-based alternatives to detention?
- Did you learn about the client's histories in the following areas:
 - Education
 - extracurricular activities, hobbies, and other strengths
 - special needs
 - mental health and health issues, including the names and doses of any prescribed medications
- Did you request, receive and review the risk assessment instrument (RAI)?
- Did you discuss the RAI score with the intake probation officer?
- Did you request, receive and review the police reports in your client's case?
- Did you request, receive and review a copy of your client's prior delinquency, truancy, and/or dependency history?
- Did you talk with the client's family before the hearing to ascertain whether they were willing to have the client released to them, and what they would say at the hearing concerning your client's school behavior, home behavior, and overall social functioning?
- Did you consider, in consultation with your client, other community-based programs besides family members to whom the client could be released?
- Are you aware of other family and community contacts willing to participate in the child's release plan in ways besides allowing the client to be released into their custody?
 - Did you contact these people before the hearing?
- If the detention hearing was not scheduled within the time required by your jurisdiction's statute or rules, did you file a motion to have your client released?

Achieving Excellence in Detention Advocacy: A Tool for Juvenile Defenders to Self-Assess Zealous Advocacy at the Detention Hearing

- **...Preparing for the Hearing**

If the client decides to plead at the initial hearing

- If your client decided to accept a plea at the initial hearing, did you discuss, in age-appropriate language:
 - the fact that, because the client is pleading at the initial hearing, you have not been able to do adequate investigation, so that the client can make a fully-informed decision about whether to plead
 - the advantages and disadvantages of pleading, including the potential maximum and minimum penalties, including any fines and community service requirements, the strengths and weaknesses of the government's case, and potential dispositions
 - the finality of the plea
 - that the plea takes the place of the trial, and so there will never be a trial in the client's case if s/he pleads
 - that pleading guilty may not be the only way to secure release
 - the long-term collateral consequences of a guilty plea
 - whether your client understood that s/he did not have to plead, and that it is the client's constitutional right to go to trial, no matter what the client's parents, police officers, judge, or any other adult might have told the client
 - whether your client was coerced in any way to plead
 - whether your client was clearheaded enough to make the decision to plead
 - that, though the client can consider others' advice, the decision to plead belongs to the client alone
 - the client's right to hold the government to its unshifting burden to prove guilt beyond a reasonable doubt
 - the client's right to present evidence, to introduce documents, and to cross examine the government's witnesses and to call witnesses on his or her own behalf
 - the client's right to testify at trial if s/he wished, and that, if the client chose not to testify, it could not be held against him or her
 - whether your client understood that s/he has a right to counsel on appeal
 - the expungement process

Achieving Excellence in Detention Advocacy: A Tool for Juvenile Defenders to Self-Assess Zealous Advocacy at the Detention Hearing

• Representation at the Hearing

- If you did not receive the RAI before the hearing, did you raise this point at the hearing?
 - If no one except the intake probation officer had access to the RAI before the hearing, did you raise this point at the hearing?
- If you did not receive your client's prior record before the hearing, did you raise this point at the hearing?
- If you did not receive the police reports in your client's case, did you raise this point at the hearing?
- Did you challenge the government's evidence at the probable cause hearing?
- If you calculated that you had little to no chance of winning the probable cause hearing, did you use the probable cause hearing as a tool for discovery?
- Did you argue to hold the prosecution to the required burden and standard of proof?
- If the government sought to detain your client, did you marshal all available evidence to argue against a finding of probable cause?
- Did you argue that detention cannot be imposed unless the relevant statutory criteria were met, and did you argue against a finding that the criteria were met?
- Did you argue that your client should be placed in the least restrictive environment possible?
- Did you introduce research on the risks and harmful effects of detention for children?
- Did you present and argue for a detention alternative, tailored and responsive to the judge's concerns about the individual client, complete with specific names and contact information of people willing to be involved in the youth's release conditions, and detailed representations concerning how the youth will be monitored?
- Did you call witnesses or introduce other evidence to support your arguments against secure detention or in favor of alternatives?
- If the judge's detention decision was influenced by a lack of community resources, did you challenge this basis for the decision?
- At the end of the hearing, did you request that the judge make written findings and an order?

Achieving Excellence in Detention Advocacy: A Tool for Juvenile Defenders to Self-Assess Zealous Advocacy at the Detention Hearing

• **After the Hearing**

- If the client was released, did you explain the conditions of release to the client and parents and provide information about how to satisfy the conditions?
- If the client was released, did you get contact information for the client, including the client's name, address, phone number, and similar information for the client's relatives and friends?
- If the client was detained, did you make sure that the client's family knows where and how to visit the client?
- If the client was detained, did you visit the client within 48 hours of the detention decision?
- If the client was detained, did you file a motion to reopen the probable cause hearing in cases where you subsequently received exculpatory information?
- If the client was detained, did you file a motion to reconsider the detention decision in cases where you subsequently discovered favorable information (i.e., the charge is reduced, a new placement option emerges)?
- Did you discuss with your client, using age-appropriate language, what happened at the hearing, and answer any questions the client might have?
- Did you explain to your client, in detail and with age-appropriate language, the next steps in the case?
- Did you inform your client of the right to appeal a detention decision?
- If the client wished to appeal, did you follow the procedural steps needed to secure the right to an appeal?
- Did you handle the appeal or transition the case to another attorney?
- Did you consider petitioning for an extraordinary writ (*habeas corpus*, *mandamus*, or prohibition) to obtain the release of a client who was wrongfully detained?
- Did you schedule your next in-person meeting with the client?

Achieving Excellence in Detention Advocacy: A Tool for Juvenile Defenders to Self-Assess Zealous Advocacy at the Detention Hearing

Strategies for Success

Please consider the following questions:

- If you could have provided a service, but did not, what were the reasons?
- What barriers do you need to overcome, and how will you do so?
- What resources can help you to serve your clients better?

Please consider the following avenues. Can you, as defenders:

- keep and share a regularly-updated list of the current community-based alternatives to detention, with contacts at each facility and phone numbers?
- regularly update and share model motions to reopen, motions to reconsider, motions arguing the conditions of the local detention center?
- organize, with the assistance of your Team Leader, a training on the RAI in each of the jurisdictions in which you practice?
- in jurisdictions where children are allowed to plead after waiving counsel, coordinate with your colleagues to make sure a defense attorney is present and ready to counsel a child who wishes to plead after waiving counsel before the child pleads?
- in jurisdictions where children are allowed to plead at the initial hearing, begin a practice of stating on the record you have not had a chance to investigate the matter or subpoena relevant documents before the client pled?
- if you were in the courtroom when a child waived the right to counsel, could you, before the waiver colloquy, ask the court for a brief pass to allow you or one of your colleagues to advise the child about the advantages and disadvantages of waiving counsel outside of the presence of the court and of the child's parents?
- Other strategies...

Resources

- *Legal Strategies to Reduce the Unnecessary Detention of Children* (National Juvenile Defender Center, 2004) http://www.njdc.info/pdf/detention_guide.pdf
- Juvenile Detention Alternative Initiative (Annie E. Casey Foundation) <http://www.aecf.org/initiatives/jdai/>
- *Juvenile Delinquency Guidelines* (National Council of Juvenile & Family Court Judges, 2005) <http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/JDG/juveniledelinquencyguidelinescompressed.pdf>
- *Ten Core Principles* (National Juvenile Defender Center, 2004) http://www.njdc.info/pdf/10_Principles.pdf

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