



STATE OF INDIANA

INDIANA PUBLIC DEFENDER COUNCIL

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Juvenile Report

IPDC Board Retreat, September 18-19, 2020

The bulk of the juvenile work, separate from helping with legislative liaison activities, consists of working with state and non-profit organizations, technical assistance and training for attorneys to promote juvenile defense as a specialized areas of the law, and outreach to “students” committed to the DOC for juvenile offenses or as a result of alternative sentencing for adult convictions.

Professional Organization Partnership Work:

IPDC and its staff are frequently asked to consult or assist with juvenile related work by state and federal agencies, non-profits, and other organizations. Here are some examples:

Provided technical assistance for and presented at the Juvenile Competency Roundtable held on September 13, 2019, by the Children’s Policy and Law Initiative of Indiana. Followed up with a presentation on proposed statutory language on September 2, 2020.

Represented Indiana at the National Juvenile Defender Center’s Annual Leadership Summit held October 25-27, 2019.

Represented Indiana at the convening of the Great Lake States Region for the Juvenile Law Center on issues related to emerging adult justice reforms on December 10-11, 2019.

Participated in the Indiana Juvenile Detention Alternatives Initiative’s (JDAI) Conditions of Confinement Workgroup and its review of facility responses

regarding compliance to JDAI standards (on going).

We will be working with the Council for State Governments on the review of data collection in juvenile justice, spearheaded by Rep. McNamara, and Sen. Crider.

Subcommittee Work with the Commission on Improving the Status of Children and its Juvenile Justice and Cross-System's Youth Task Force:

--Participated on the Emergency Shelter Care and Alternatives subcommittee of the Juvenile Justice and Cross Systems Task Force (on going).

--Participated on the Commercially Sexually Exploited Children (CSEC) subcommittee's CHINS 3.5 Workgroup (on going).

--Co-Chair for the Reentry Subcommittee (on going).

--Participated in the Juvenile Violence Subcommittee (on going).

Amicus Work:

Prepared and filed Amicus brief for *Conley v. State*, 19A-P-03085. Advanced arguments challenging the constitutionality of juvenile-life-without-parole sentences under multiple Indiana Constitutional provisions. Pending at Court of Appeals.

Served as local counsel for the Juvenile Law Center in *C.J. v. State*, 141 N.E.3d 830 (Ind. Ct. App. 2020), *trans. denied*. Favorable decision for child, suppressing statement even after Miranda Warnings, and parent consultation.

Served as local counsel for Phillips Black, a non-profit dedicated to representing prisoners in capital and life-without-parole cases, in *State v. Stidham*, 110 N.E.3d 410 (Ind. 2018), *trans. pending*, a juvenile effective life sentence case. Prepped counsel for Stidham for oral argument on February 27, 2020.

Juvenile Defense Lawyer Training:

Webinar “Using Social Workers in your Delinquency Case,” July 17, 2019.

Webinar collaborated with Marion County Public Defender Agency, Juvenile Division, “Reverse Waiver and Alternative Sentencing,” July 25, 2019.

Webinar collaborated with the Indiana Youth Institute, “Kids Count Data and Juvenile Defense,” on July 30, 2019.

Webinar collaborated with Marion County Public Defender Agency, Juvenile Division, “Dual Status Youth: Process and Issues” August 13, 2019.

Webinar “A Historical Perspective on Delinquency Law: How did we get here, and where are we going?” on September 12, 2019.

Juvenile Training Immersion Program (JTIP) “Challenging Juvenile Sex Cases” August 30, 2019 (Indianapolis).

JTIP “Challenging Juvenile Sex Cases,” October 11, 2019 (Columbus).

IPDC’s “Annual Juvenile Defense Seminar,” November 15, 2019.

Webinar “School Rule” on January 23, 2020

JTIP “Suppressing Juvenile Statements” February 14, 2020 (this same training was scheduled for March 13th, but was cancelled. Shortly after IPDC cancelled, I learned that the Vanderburgh/Evansville Library would not have allowed us to conduct the training)

Challenges and Opportunities with Juvenile Defense During COVID-19, webinar on May 15, 2020.

Trauma Informed Defense (in collaboration with Diane)—4 Module Series: #1 Trauma & Delinquency; #2 Trauma’s Impact on Development; #3 Coping Strategies; #4 Vicarious Trauma, Organizational Stress, and Self-Care.

Presented 2 Volume Series on Sanity and Competency Defenses: #1 Raising and Litigating; #2 Ethical Considerations.

Joined Victoria Cassanova on Challenging Predicate Offense Charges Through Motions to Dismiss, Sept. 11, 2020.

Juvenile Defense Series—6 Volume series: #1 Juvenile Court Jurisdiction (aired Sep. 4th); #2 Juvenile Rights and Special Issues (recorded, set to air Oct. 9th); #3 Case Initiation and Procedure; #4 Waiver and Fact-Finding Hearings; #5 Disposition; #6 Post-Disposition Matters.

Scheduled:

Will be presenting at the Indiana Coalition to End Sexual Assault with Cara Wieneke and Lisa Manning, on Sept. 21, 2020: When Survivors Get Prosecuted

Will be presenting with Kirk Freeman: Impact of Delinquency Adjudications on Possession of Firearms & How to Prepare Clients for Dealing with the All New Ind. Code 35-47-4-9. Scheduled for October 21, 2020.

In addition to this, IPDC also collaborated with Indiana Department of Child Services to present training on juvenile delinquency proceedings, CHINS/TPR proceedings, and their intersection in proceedings involving dual status children for Legislative Services Agency attorneys and others on November 13, 2019.

Technical Assistance:

IPDC staff attorneys participate on a weekly basis in contributing to questions and concerns which are submitted on the “Jdlaw” list serve. Most of the responses and contributions to this list serve are not formally tracked.

IPDC also receives specific requests for technical assistance, which it recently began tracking through a new system created by Salesforce. Since starting tracking in 2019, IPDC has responded to twenty-four formal requests for technical assistance involving the defense of juveniles. In addition, IPDC participated in oral argument mooting and brain storming sessions for 4 appellate cases involving the defense of juveniles.

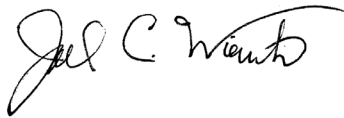
The recent Supreme Court decision in *D.P. v. State; State v. N.B.*, Case No. 20S-JV-443 (Ind., Sep. 8, 2020), started as a response to a request for technical assistance. IPDC drafted the motion to dismiss for lack of jurisdiction for a

defender in Putnam County, which ultimately resulted in the Supreme Court decision (along with N.B.'s case).

DOC Orientation and Interviews

As a part of the outreach program created by the Juvenile Project, IPDC began a process of legal rights orientations at the Indiana Department of Correction, Division of Youth Services (DOC DYS) intake facilities. Since April of 2017, IPDC, and the prior Juvenile Defense Project, has met with approximately 1,250 kids committed to the DOC, conducted individual interviews/consultations with 628 of those kids upon request, and referred 80 kids to the State Public Defender's Office to investigate claims not appropriate for direct appeal, and 126 kids for direct appeals.¹ Additionally, a few kids have been helped with other things such as making reports of abuse or neglect upon their request, and connecting them with civil rights attorneys.

Sincerely,

A handwritten signature in black ink that reads "Joel C. Wieneke". The signature is written in a cursive, flowing style.

Joel C. Wieneke
Senior Staff Attorney
Indiana Public Defender Council

¹ Data is current through the 1st week of March, 2020.