

# Indiana Public Defender Council Juvenile Defense Project

Indiana was one of 4 states awarded an Office of Juvenile Justice and Delinquency Prevention (OJJDP) Smart on Juvenile Justice Access to Counsel Planning Grant in October of 2015. The grant has provided resources to the Indiana Public Defender Council to assess the state's delivery system for juvenile defense, and to propose ways to improve upon access to counsel, and quality of representation for youth in the delinquency system. In October of 2016, OJJDP awarded nearly \$750,000 over two years for implementation of this plan. Indiana has an excellent opportunity to create meaningful improvements which can promote better outcomes for youth while protecting their due process rights.

## Key Principles for the Project

Youth who come before the juvenile courts in Indiana should have access to a strong juvenile defense delivery system which recognizes the developmental differences between children and adults, yet fully affords the protection of their constitutional, statutory and human rights. This plan recognizes that:

- Representation of youth is a specialized area of the law which requires skilled, well-resourced, and trained lawyers.
- Youth are entitled to early appointment of counsel and representation at all critical stages, from arrest and detention until the youth is no longer subject to dispositional orders.
- Youth representation must be client-centered, developmentally appropriate, and bias-free.
- Youth should be treated with dignity and respect and have the opportunities to achieve their highest potential.
- An effective juvenile defense delivery system should be collaborative and engaged in the community.
- The juvenile defense system should cultivate leadership and ensure quality through oversight and accountability.
- All youth should have access to skilled and zealous advocacy from a public defense system regardless of geography.

## Project Goals for Improving Juvenile Defense in Indiana

- 1) Ensure that all youth have access to counsel in delinquency and status cases at all critical stages, including early appointment at detention hearings or initial hearings when the child is not detained.
- 2) Create a strong system of post-dispositional representation for youth through increased state resources, including appellate representation and civil legal services upon re-entry.
- 3) Create a strong system of legal advocacy for juveniles which recognizes the specialized nature of juvenile defense.
- 4) Enhance the current juvenile data collection to promote accuracy and to collect key defense data indicators statewide.

## Steps to Improve Indigent Defense Services for Youth

### Juvenile Defense Project – Trial Support Unit includes:

- Development of free, juvenile specific regional trainings to juvenile public defenders using the JTIP (Juvenile Training Immersion Program) training by the National Juvenile Defender Center. Three regional trainings in three different areas of the state will be held in June, August-September, and December. The first regional trainings will provide 3 hours of CLE on the topic of adolescent brain development, with subsequent segments on the role of counsel, and juvenile detention advocacy.
- Provision of technical assistance, research, pleadings review, consultations, and connection to national experts to juvenile public defenders in all parts of Indiana. A juvenile delinquency public site and members site has been developed and will launch on the IPDC website in May. A juvenile delinquency listserve for public defenders was launched in April.

- Creation of 2-4 pilot sites within jurisdictions seeking to improve indigent juvenile defense to reduce waiver of counsel, ensure early appointment, improve trial level and post-disposition advocacy, and improve data collection around a set of performance based indicators. The first two pilot sites are Clark and Lawrence Counties, both of which have been assessed and will be working on implementation plans around a set of goals.
- Improvement in data collection methodology and accuracy regarding targeted juvenile defense indicators. Of particular important is improving data collection around early appointment of counsel in compliance with Criminal Rule 25.

#### **Juvenile Defense Project – Post-Disposition Unit work includes:**

- Development and implementation of an orientation program on legal rights for all youth entering the Department of Correction, and connecting these youth with qualified lawyers, trained in juvenile law, to handle post-disposition legal needs.

Note: Orientation began on April 4<sup>th</sup> at Madison Juvenile Correctional Facility and April 7<sup>th</sup> at Logansport Juvenile Intake Facility. Project attorneys and paralegal conduct orientation and follow up interviews every other week at each facility. After the first five months, 250 youth have been through orientation about their legal rights concerning appeals. Of those, 110 met individually with an attorney, 28 were connected with attorneys for a direct appeal, and 7 were connected with an attorney for a collateral challenge.

- Providing training through the JTIP model for preservation of appellate issues and appellate practice regarding juvenile issues in upcoming months. Project staff are assisting with this year's IPDC annual appellate training.

#### **Juvenile Defense Project – Collaboration with Juvenile Justice Stakeholders**

- The project has an Advisory Committee of key stakeholders from all three branches of state government, private lawyers, law schools, and others involved in juvenile justice. The Advisory Committee provides expertise, insights and recommendations to support the grant's objectives and outcomes.
- Presentations have been made about the Juvenile Defense Project to various stakeholder groups including:
  - Juvenile Detention Alternative Initiative
  - Juvenile Court Improvement Committee
  - Family and Juvenile Court Judges, Indiana Chapter
  - Committee on Improving the Status of Children
  - Association of Indiana Counties
  - Indiana Chief Public Defenders Group
  - Indiana Juvenile Detention Association
  - "Law School for Legislators" – CLE program for legislators
  - Midwest Juvenile Justice Summit
  - Criminal Justice Section, Indiana Bar Association

**While federal resources may help to establish a foundation for this work, the project needs state funding to support its functions long term and is working on this for the 2019-2021 budget.**