

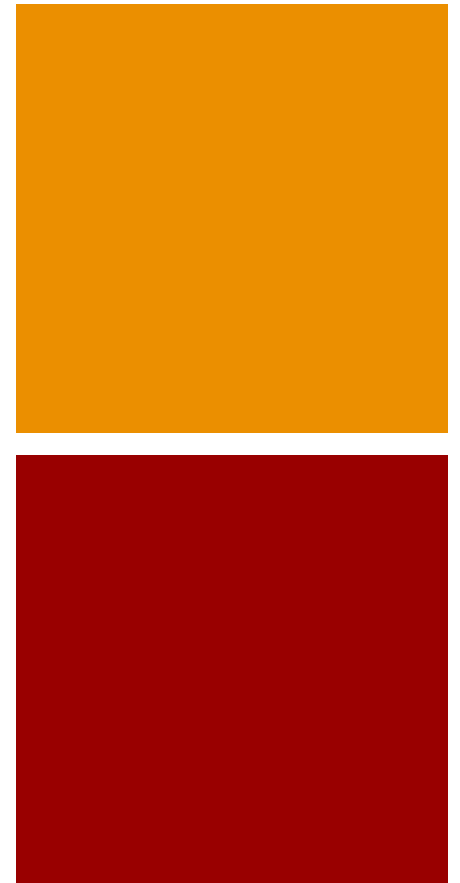
**50 Years After *Gault*:
The Role of the Juvenile Defender in
Ensuring Children Have Access to Justice**



Juvenile Training Academy
Winthrop, WA - April 29, 2017

Nadia Seeratan, National Juvenile Defender Center

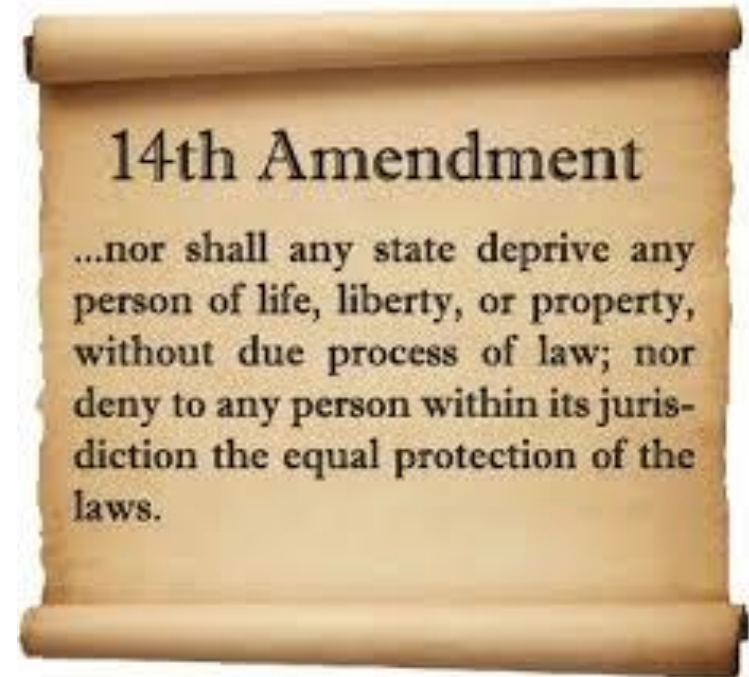
NJDC



+ May 15, 2017

50th Anniversary of *In re Gault*

+ The Constitutional Right to Counsel

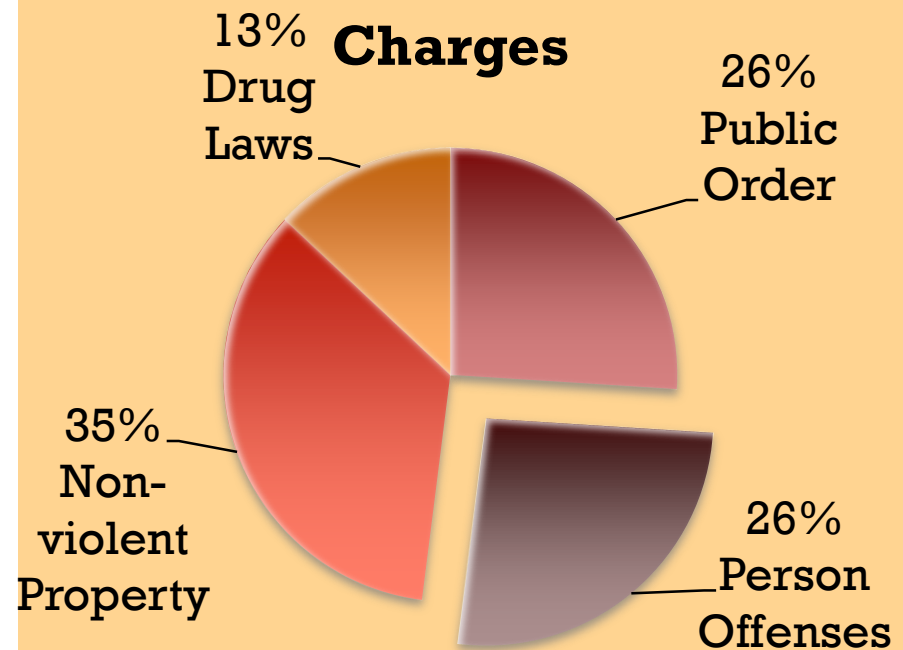




Only 1 in 4 Youth Charges Involve Violence Against Another Person

Most children are prosecuted for developmentally normal adolescent conduct—non-violent property offenses, drug use, and disorderly conduct.

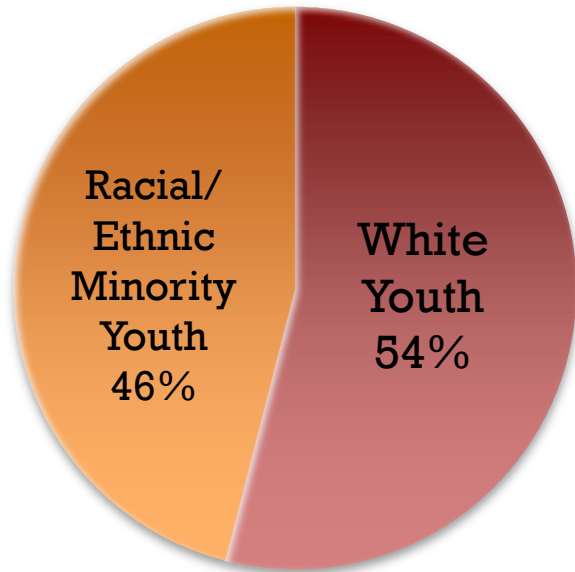
More than **a million** times a year children in America are charged with crimes in juvenile court



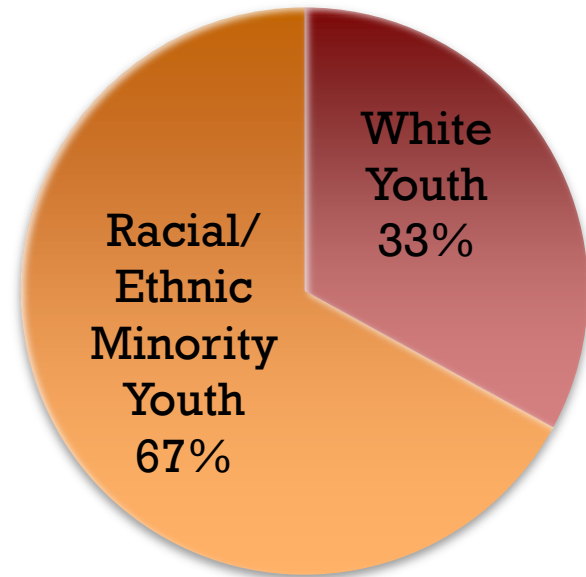
+ Throughout the juvenile justice system, a disproportionate number of children of color are arrested, charged, and committed to residential placement.



General Population of Children

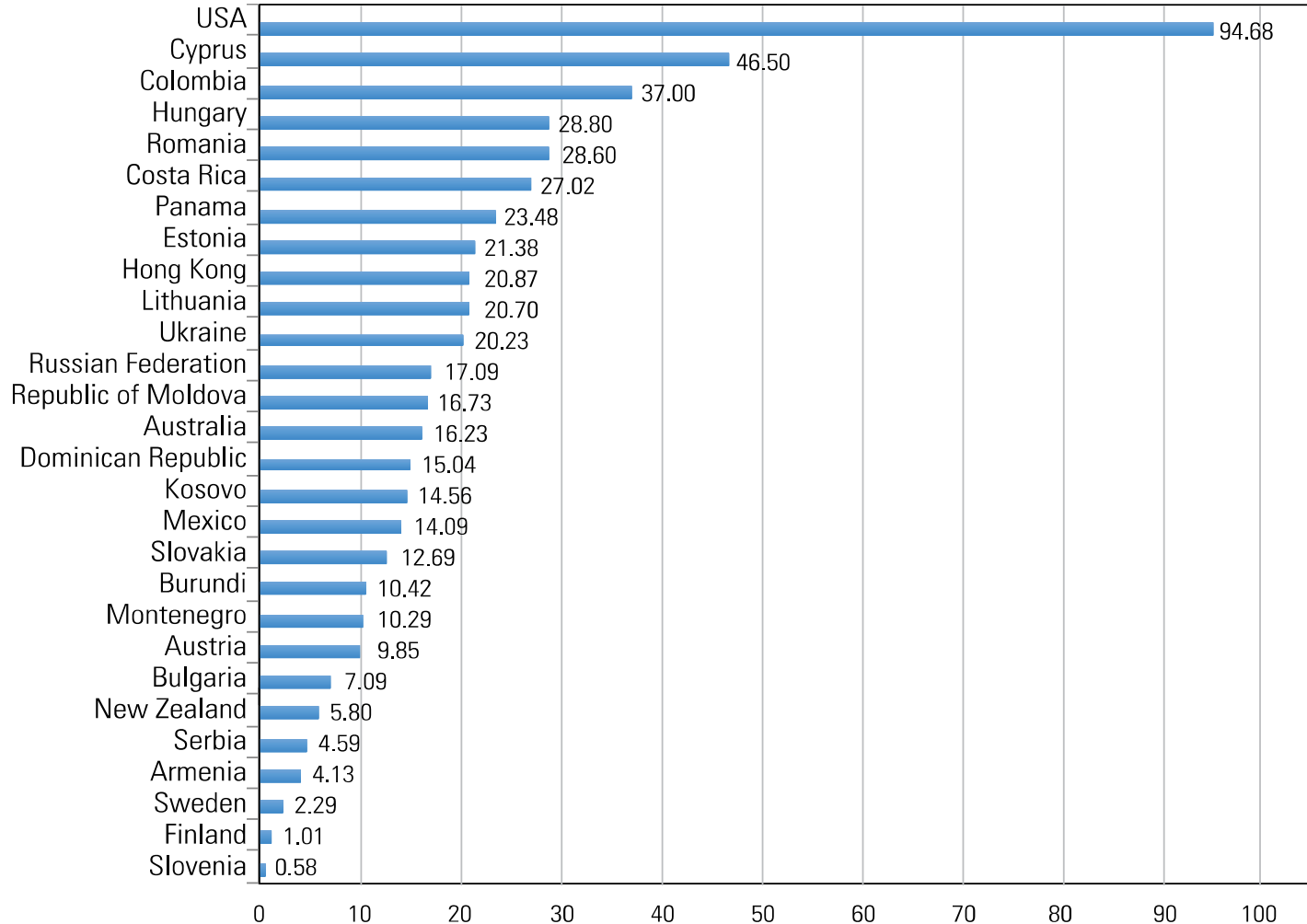


Population of Children in Residential Placement





US Incarcerates Youth at a Rate 2X Next Highest Nation (down from 5X)

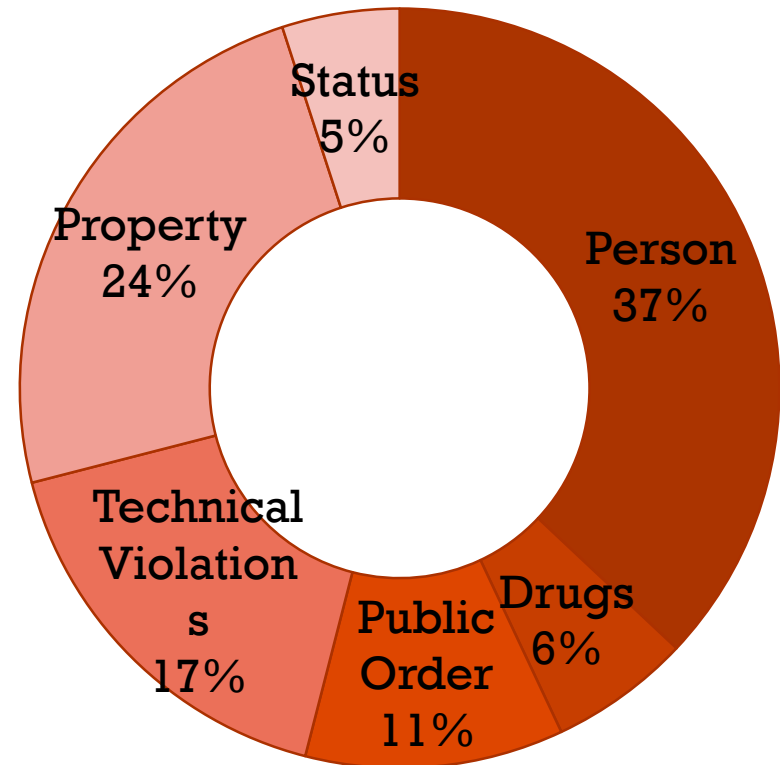


United Nations Office on Drugs and Crime, 2011.



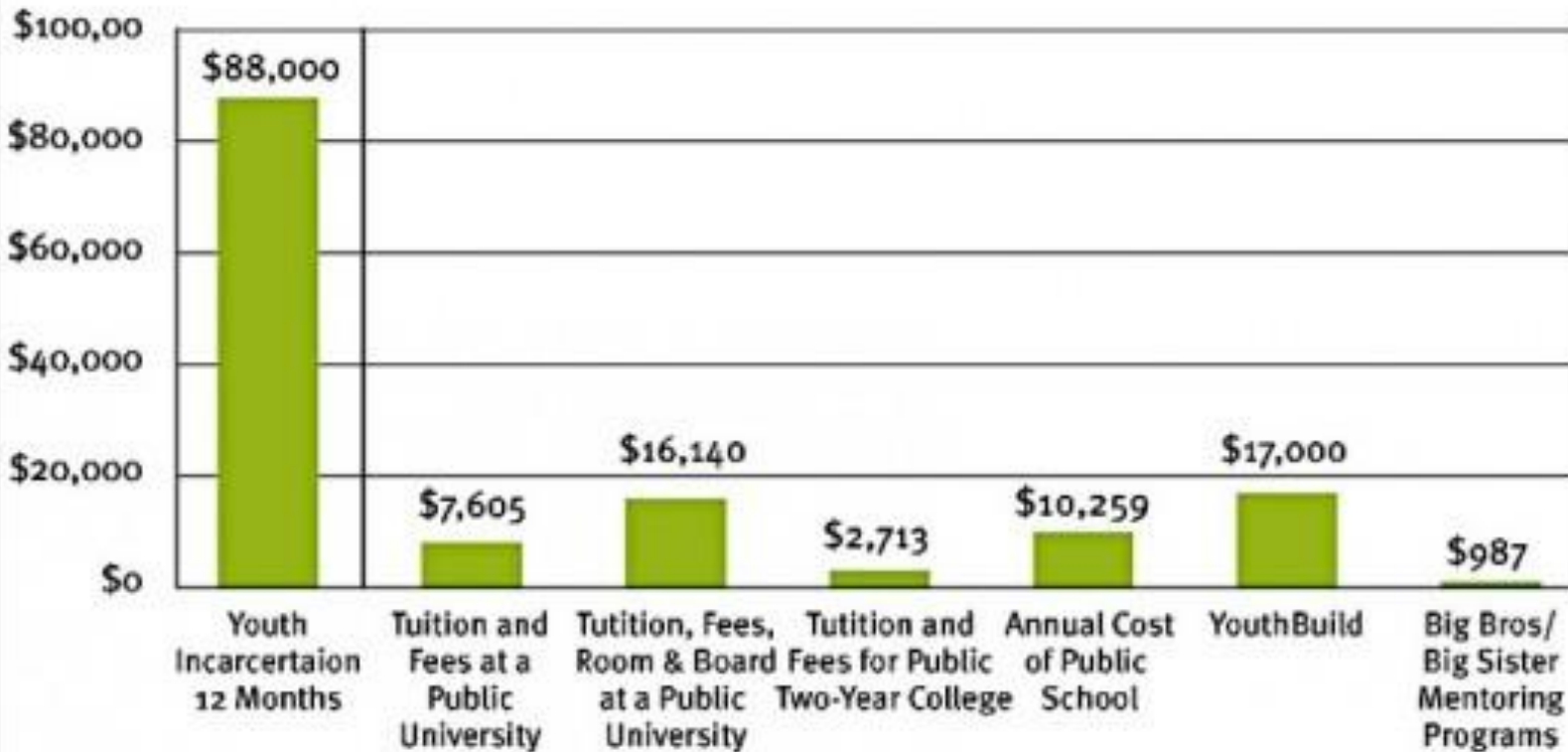
Youth Are Not Placed
For the Reasons We
Would Think

Underlying Grounds for Youth Placement



+ Budgets Reflect Values

ANNUAL COST OF JUVENILE INCARCERATION VERSUS OTHER YOUTH INVESTMENTS



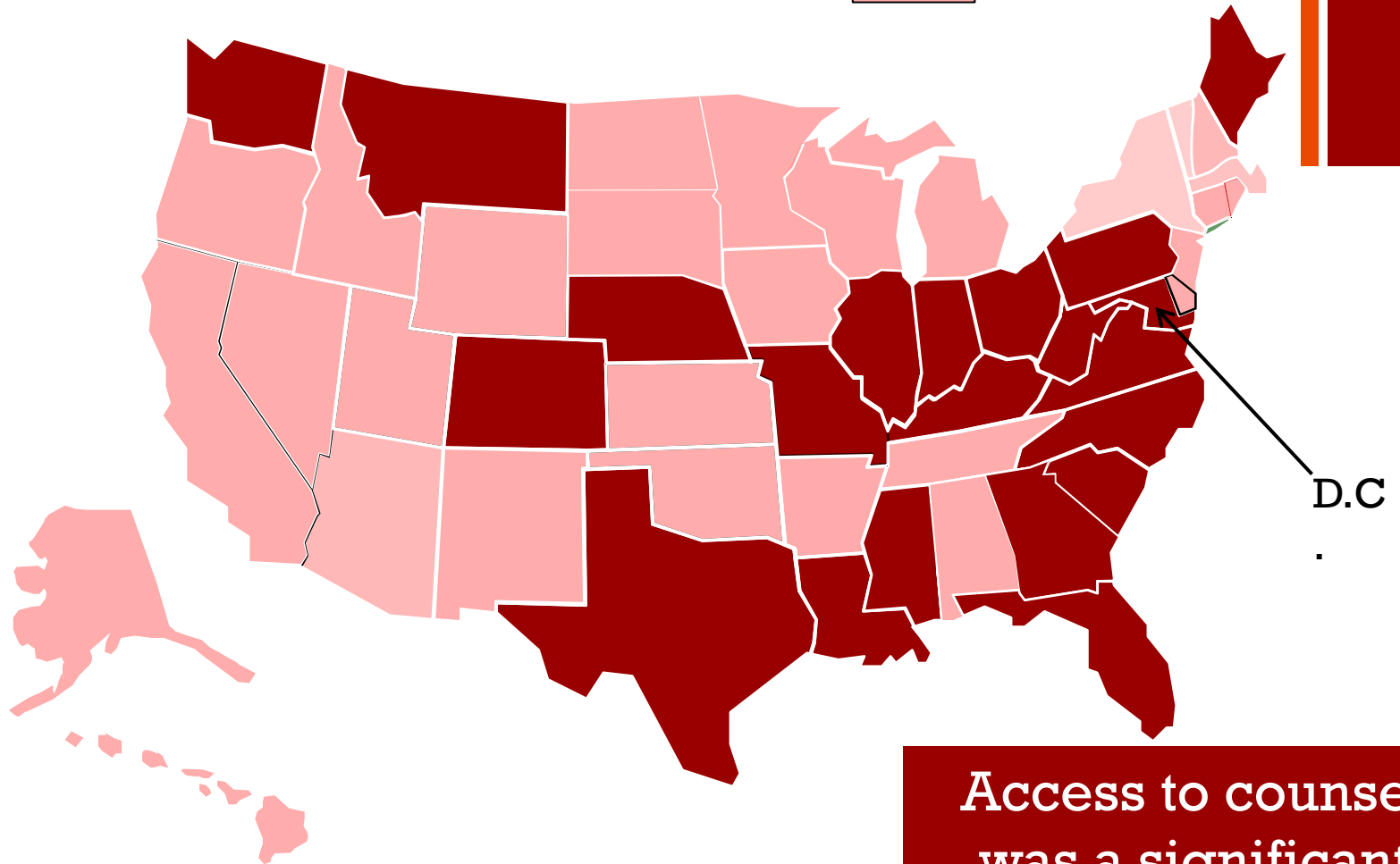
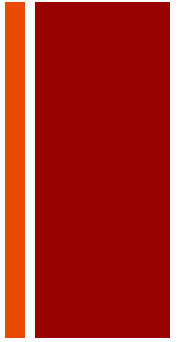
Source: American Correctional Association (for costs of youth incarceration); College Board (for cost at public universities and public two year colleges), U.S. Census Bureau (for cost of public education), Cohen and Piquero (2008) (for costs of YouthBuild), and Public Private Ventures (for cost Big Brothers Big Sisters programs).



States **with** Juvenile Defense Assessments



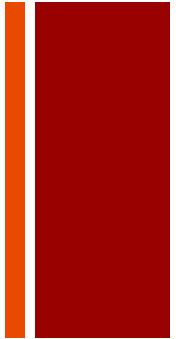
States **without** Juvenile Defense Assessments



Access to counsel was a significant issue in 62% of the states assessed.



+ Key Issues Seen in Assessments of Juvenile Defense ...

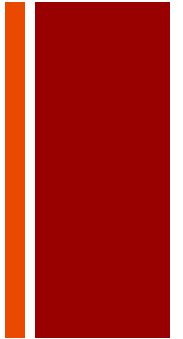


Systemic issues impact juvenile defense:

- Juvenile defenders carry **staggering caseloads** – many juvenile defenders spend no more than a few minutes on routine cases.
- Juvenile defense **practice is not specialized** – most offices use juvenile court as a training ground for new attorneys.
- **Few juvenile defense standards**, if they exist at all, are not well enforced.
- **Little oversight and monitoring** of cases, juvenile defense specific supervision/management is highly unusual.



... Key Issues Seen in Assessments of Juvenile Defense



- There is an **absence of Juvenile defense specific data** to tell us if, when, and how children get lawyers.
- Juvenile defense is **considered less important** than criminal defense, and receives far fewer resources.
- Juvenile defenders feel **pressured** by other courtroom actors **to bypass due process** in the name of “saving and treating” children.
- Youth are **encouraged to waive their right** to counsel and proceed unrepresented by an attorney.



How do we Raise Awareness and Improve Access to Justice for Children

What can we do?



DEFENDING
CHILDREN'S
RIGHTS

