

Juvenile Public Defense in New Orleans and Louisiana



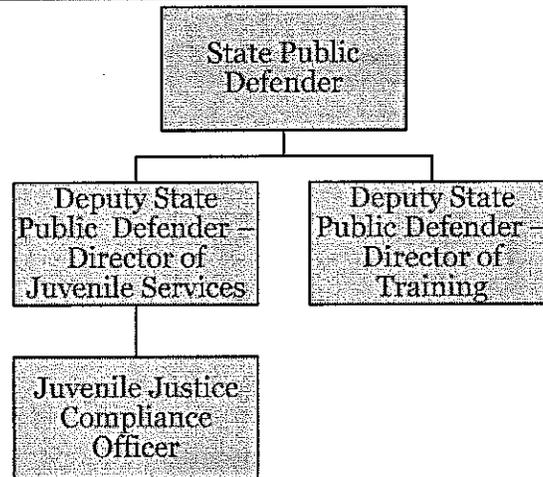
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THE STRUCTURE OF LOUISIANA'S JUVENILE JUSTICE SYSTEM

Louisiana Center for Children's Rights

Louisiana Public Defender Board: Staffing Structure



PUBLIC DEFENSE SERVICE DELIVERY IN LOUISIANA

- District defenders in each of 42 judicial districts decide how, and on what model, to operate their practice
- Most juvenile defense is provided by local public defenders through one of three systems:
 - Full-time public defenders (Lafayette, Lake Charles)
 - Contract counsel (Jefferson Parish)
 - Hybrid system (Plaquemines Parish)
- District defenders are only funded in part by the state – most districts receive most of their funding from local fines and fees
- 501(c)(3) contract programs for specialized cases:
 - Appeals
 - Capital
 - Innocence
 - Juvenile

Juvenile Defense Service Provision in Louisiana

- State ensures juvenile defense is a priority through
 - State director of juvenile defender services
 - Standards
 - Compliance officer
 - Training
 - Funding a model juvenile defender office (LCCR)

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SOME ASPECTS OF THE RIGHT TO COUNSEL IN LOUISIANA'S JUVENILE JUSTICE SYSTEM

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Presumption of Indigence

“For purposes of the appointment of counsel, children are presumed to be indigent.”

– Louisiana Children’s Code Article 320(A)
(2010 Louisiana Acts 593)

Right to Counsel

“At every stage of proceedings under this Title, the accused child shall be entitled to the assistance of counsel at state expense.”

– Louisiana Children’s Code Article 809(A)
(2010 Louisiana Acts 593)

Waiver of Counsel, Part I

- A. The court may allow a child to waive the assistance of counsel if the court determines that all of the following exists:
- (1) The child has consulted with an attorney, parent, or, if no parent, a caretaker as defined in Children's Code Article 728.
 - (2)) That both the child and the adult consulting with the child as provided in Subparagraph (A)(1) of this Article have been instructed by the court about the child's rights and the possible consequences of waiver.
 - (3) That the child is competent and is knowingly and voluntarily waiving his right to counsel.
- Louisiana Children's Code Article 810(A)

Waiver of Counsel, Part II

- D. The child shall not be permitted to waive assistance of counsel in the following circumstances:
- (1) In proceedings in which it has been recommended to the court that the child be placed in a mental hospital, psychiatric unit, or substance abuse facility, nor in proceedings to modify said dispositions.
 - (2)) In proceedings in which he is charged with a felony-grade delinquent act.
 - (3) In probation or parole revocation proceedings.
- Louisiana Children's Code Article 810(A)



THE LOUISIANA CENTER FOR CHILDREN'S RIGHTS

Louisiana Center for Children's Rights

Mission

We defend the right of every child in Louisiana's juvenile justice system to fairness, dignity, and opportunity.

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How Do We Do It: Strategies

- Our holistic legal representation helps young people achieve their goals in court and in life;
- We provide resources and training for juvenile public defenders statewide; and
- We advocate for a juvenile justice system that is fair, compassionate, and supportive of positive youth development.

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What Are We?

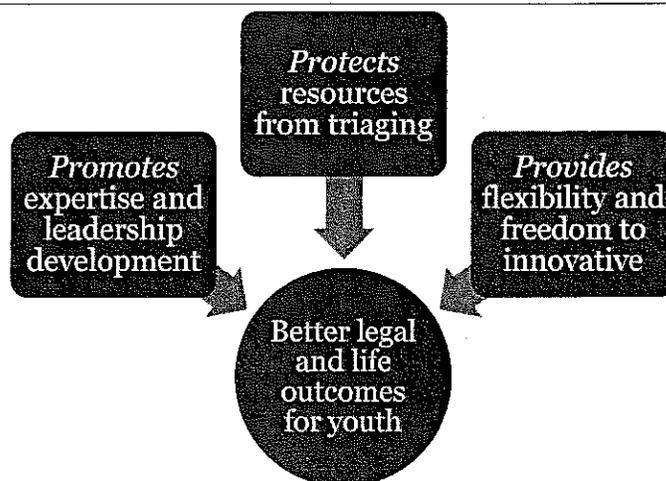
- Independent, 501(c)(3) nonprofit law office
- Founded in 2006; contracted with the Louisiana Public Defender Board since 2012
- Only independent juvenile public defender in Louisiana
- Only specialized delinquency defender in the country

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Children's Defense Team

- Juvenile public defender in New Orleans
- Represents over 90% of youth prosecuted in Orleans Parish
- Model:
 - Holistic
 - Cross-disciplinary
 - Community-oriented
 - Client-directed

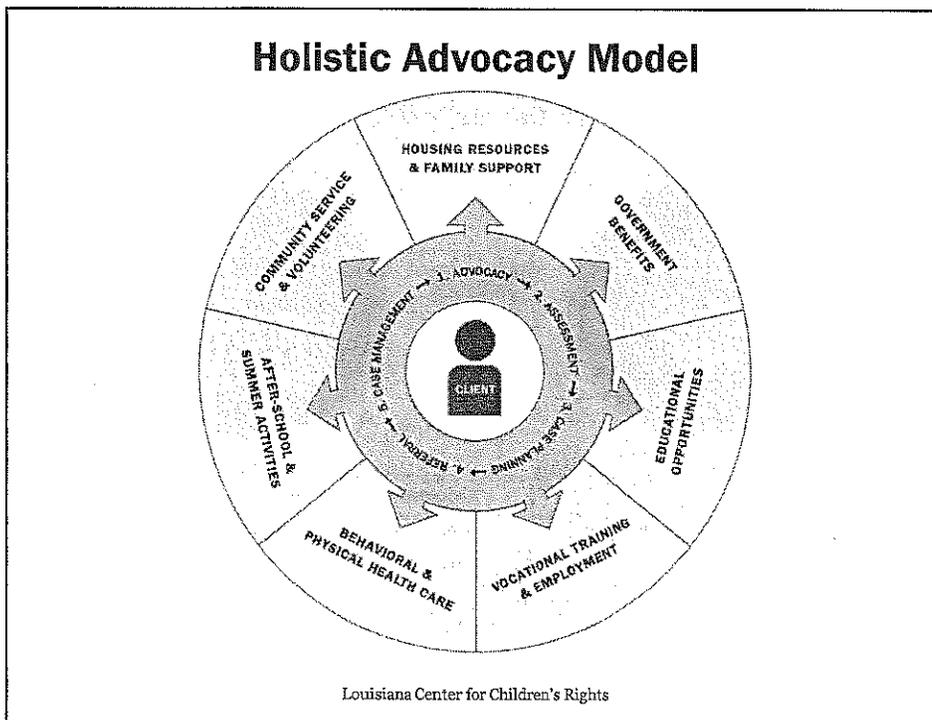
Why Independence and Specialization?



Children's Defense Team:
HOLISTIC ADVOCACY

- What we do:
 - Help clients meet their **legal** and **life** goals
- How we do it:
 - Integrate **positive youth development principles** with **legal advocacy**
 - Stand up for the rights that every child has – from the right to equal justice to the right to a great education
- Why it works:
 - Access (= Reach + Relationships)
 - Expertise
 - Partnerships and Collaborations

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**Children's Defense Team:
HOLISTIC ADVOCACY**



**Right to a
life of
learning and
a future of
opportunity**





**Educational
& Economic
Opportunity**

Advocate...	Connect...
<i>Expulsion hearing representation</i>	<i>Educational enrollment assistance</i>
<i>IEPs and other learning supports</i>	<i>Vocational training</i>
<i>Jail-to-School transitional assistance</i>	<i>Jobs and internship opportunities</i>

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**Children's Defense Team:
HOLISTIC ADVOCACY**



**Right to a
healthy
start**

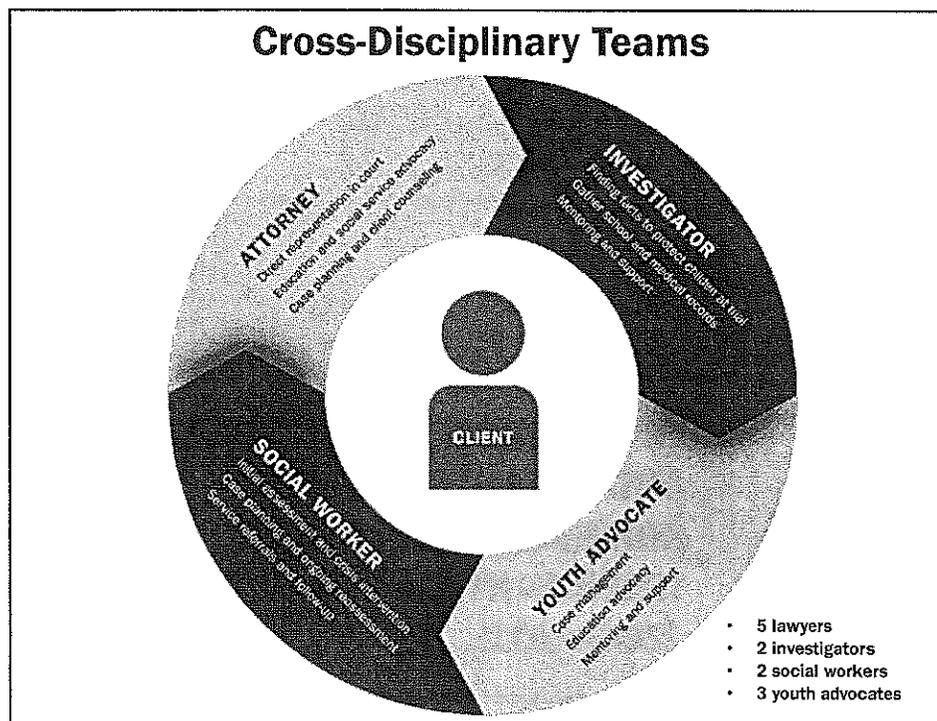
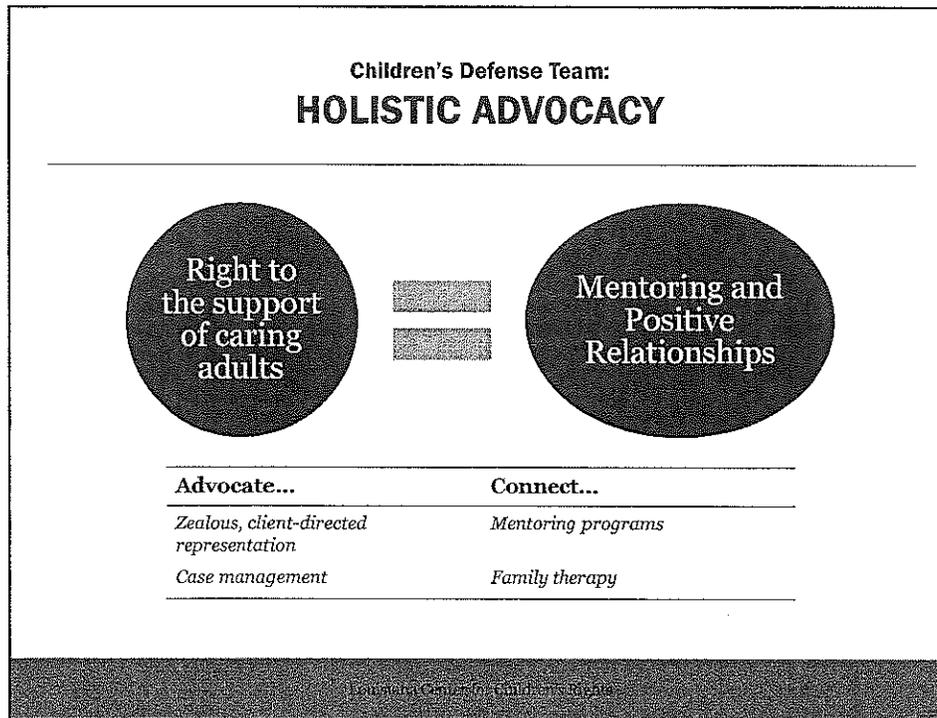




**Physical
and
Mental
Health**

Advocate...	Connect...
<i>Competency to stand trial</i>	<i>Mental health rehab</i>
<i>Eligibility for government services and benefits</i>	<i>Primary care</i>
<i>Conditions of confinement</i>	<i>Substance abuse treatment</i>

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Children's Defense Team:

Community-Oriented Defense

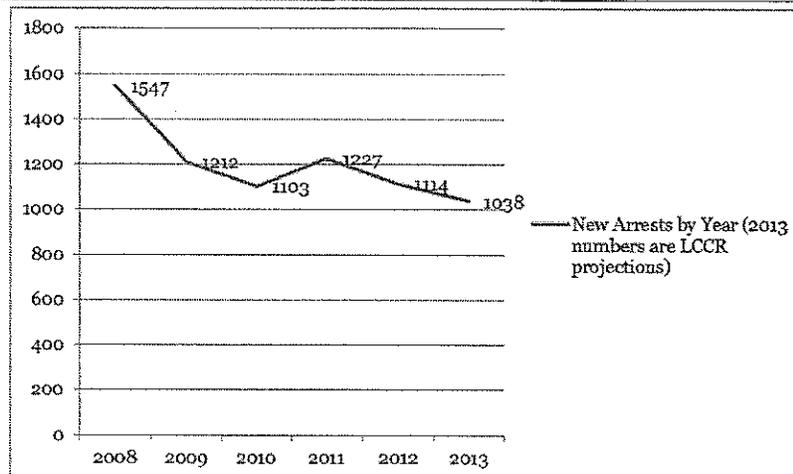
- Assessment-and-referral model requires strong community partnerships
 - Service provider database
 - MOUs
 - Collaborations and collective impact
- Principle: Children should grow up and thrive in healthy families and communities
 - not in the justice system



WHAT ABOUT PUBLIC SAFETY AND PUBLIC DOLLARS? SOME JUVENILE JUSTICE TRENDS IN NEW ORLEANS, 2008-2012

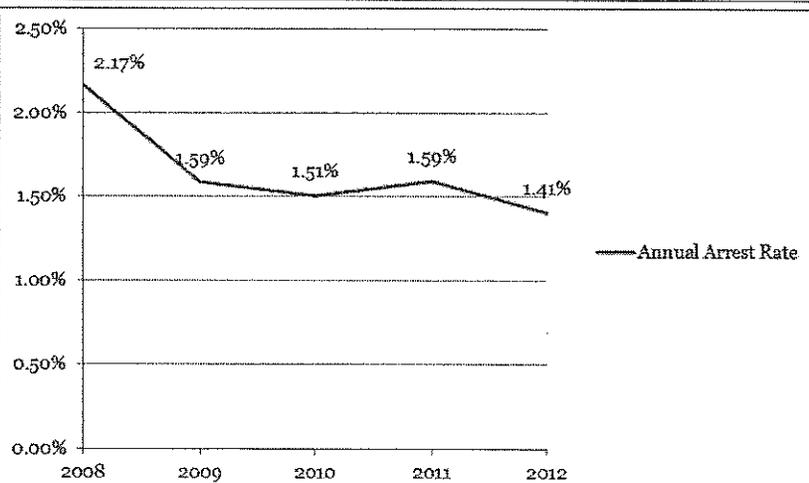
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Annual Delinquency Arrests in Orleans Parish



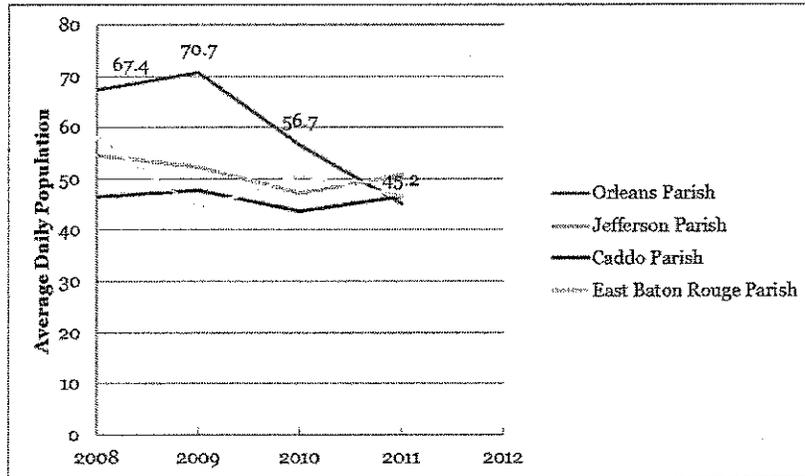
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Annual Orleans Parish Delinquency Arrests per Child 0-17



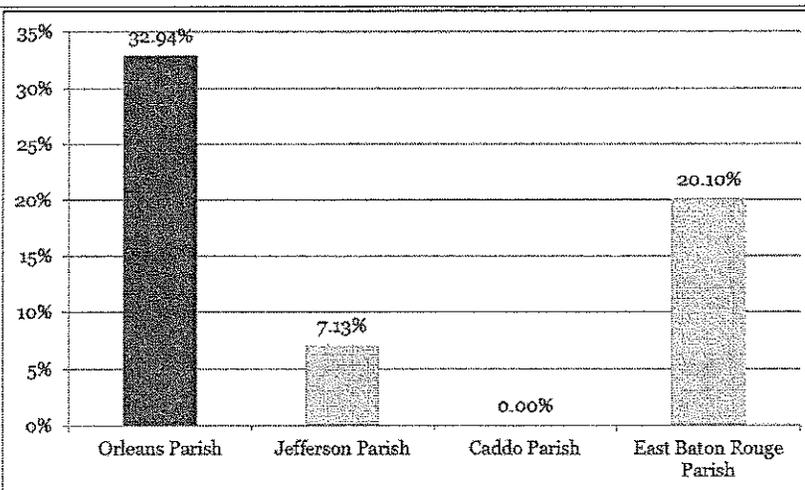
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Average Daily Population of Youth in Secure Custody by Parish



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Percent Improvement in Secure Custody Rates by Parish, 2008-11



Louisiana Center for Children & Families

Conclusions

- *Many possible causes:* It isn't possible to say how much credit public defense should get, but
- *At worst, public safety didn't suffer:* The public safety numbers in New Orleans show that, at very least, best-practices juvenile defense is *consistent* with improving public safety

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