

# Project Abstract



## Part 1: Please identify the applicant point of contact (POC)

OMB No. 1121-0329  
Approval Expires 07/31/2016

Applicant POC	
Organization Name	
POC Name	
Phone Number	
Email Address	
Mailing Address	

## Part 2: Please identify the application

Application Information	
Solicitation Name	
Project Title	
Proposed Start Date	
Proposed End Date	
Funding Amount Requested	

## Part 3: Please identify the project location and applicant type

Project Location and Applicant Type	
Project Location (City, State)	
Applicant Type (Tribal Nation, State, County, City, Nonprofit, Other)	



## Part 4: Please provide a project abstract

Enter additional project abstract information. Unless otherwise specified in the solicitation, this information includes:

- Brief description of the problem to be addressed and target area and population
- Project goals and objectives
- Brief statement of project strategy or overall program
- Description of any significant partnerships
- Anticipated outcomes and major deliverables

Text should be single spaced; do not exceed 400 words.

### Project Abstract



## A) Statement of the Problem

**Challenge 1: Scale and Impact** Juvenile defense is a complex practice requiring specialized skill and knowledge. Children in the juvenile justice system need effective, well-trained lawyers at every phase of the proceedings no matter where they live. In California’s juvenile system, where rehabilitation is the system’s underlying purpose, the integrity of the juvenile justice system and its rehabilitative purpose depends on the ability of its component parts to fulfill their duties with skill, zeal, and necessary support.

The pioneering work on the quality of juvenile representation began two decades ago, with *A Call for Justice: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings*.<sup>1</sup> Since the creation of the National Juvenile Defender Center (NJDC) in 1999, attention to juvenile defense has greatly expanded across the nation. NJDC has provided comprehensive guidance to ensure juvenile defense counsel fulfill the promise of *In re Gault* (1967), which established due process rights for young people in the delinquency system.

California has the largest juvenile justice system in the country: In 2015, 44,107 youth faced juvenile court delinquency petitions alleging violations of the law.<sup>2</sup> Most are represented by attorneys – and for good reason. The potential consequences of juvenile court proceedings are serious and far-reaching. Young people prosecuted in California’s juvenile courts may be retained under juvenile court jurisdiction to age 25 in serious cases; they may suffer adult consequences including the reporting of their DNA and records to the Department of Justice; they may be subject to lifelong sex offender registration; and juvenile adjudications may be considered “strikes” for sentencing enhancements in criminal court. Further, any young person transferred to adult court will be prosecuted in criminal court and held to adult penalties, including, for youth 16-17 years old, imprisonment that can include life without the possibility of

parole. Even juveniles adjudicated for less serious offenses may suffer incarceration, educational disruption, and stigma. Depending on the adjudication, they may find it difficult to continue their educations, apply for financial aid, join the military, adjust their immigration status, live in public housing, hold a driver's license, or successfully navigate employment. The cloud of juvenile adjudication can follow them for their entire lives.

As the child's voice in the courtroom, juvenile defenders must be skilled, knowledgeable and vigorous in representation to ensure that the system is providing rehabilitative services and not creating more harm. Though access to counsel is generally available in California, access to qualified counsel is uncertain. Youth in California's juvenile system are often represented by lawyers ill equipped to provide adequate representation,<sup>3</sup> and rehabilitation too often gets lost in the process. This is especially true in remote regions of the state where caseloads are high, resources are scarce, and training is almost non-existent. As a result, in many regions, young people suffer from a capacity gap at every stage of delinquency proceedings.

The very characteristics that make immaturity a relevant consideration in other areas of the justice system create special challenges in juvenile defense. Developmental immaturity, for example, may have a dramatic impact on young people's ability to participate in their defense. Research confirms that adolescents in court proceedings may inappropriately defer to their lawyers because they believe they are required to, or may have difficulty expressing themselves.<sup>4</sup> Additionally, young people typically lack the ability to apply legal concepts to their own situations, are unable to weigh the risks and long-term consequences of various options, and often carry a sense of invulnerability that limits their judgment and interferes with their understanding of future consequences.<sup>5</sup> Without informed and skilled defense, young people are at particular risk of false confessions, unconstitutional guilty pleas, and wrongful convictions.

Young people with unaddressed mental health problems, substance use disorders, family problems, or educational deficits – common realities for justice-involved young people – are especially at risk for protracted engagement in the juvenile justice system. In addition, inadequate representation may fail to provide essential information to support wise dispositional decisions. In both pre- and post-dispositional phases, counsel may not investigate and advocate for appropriate alternatives to confinement, or for non-custodial services to address individual needs, with resulting impact on the individual, his or her family, and larger society. Young people who are dispatched to programs or facilities poorly matched to their needs are typically drawn further into the justice system. And the racial disparities of the American criminal justice system are readily apparent in the indigent juvenile justice system: Of the California cases involving a court-appointed attorney in 2015, 27,623 cases (84%) involved youth of color.<sup>6</sup>

**Challenge 2: Specialized Nature of Juvenile Delinquency Defense** Even before *Gault* recognized that juveniles require the guiding hand of counsel, California law provided for the appointment of counsel in delinquency cases.<sup>7</sup> But the right to counsel means very little if lawyers do not have the necessary capacity to competently represent their young clients. Juvenile defense counsel not only need to know criminal law but must also master the extensive body of California’s Juvenile Court Law, with its own terminology, procedures, timelines, legal standards and interplay with adult criminal law. Delinquency representation requires expertise in trial skills, motion and appellate practice, delinquency-specific ethical rules and dispositional services. Juvenile defenders must be aware of separate juvenile standards for fundamental issues such as confessions and capacity to commit a crime. Mastery of substantive sub-specialties, such as adjudicative competence and mental defenses, is vital. Juvenile defenders must understand and be able to apply the principles of adolescent development, education, and special education

law.<sup>8</sup> They must have the skill to explain legal principles in ways that ensure their young clients' understanding, and they are legally required to assert their clients' expressed wishes even when others would like to impose their own views of the child's best interest.

Counsel must also advocate with knowledge of the distinct purpose of juvenile court proceedings – which require that youth receive care, treatment and guidance in accordance with their individual needs, and that they be held accountable for their actions without retributive punishment.<sup>9</sup> Competent representation requires counsel to be familiar with the kinds of services that produce good rehabilitative results, and of the resources available to provide those services. It requires counsel to engage families and assure that needed supports are in place to ensure success. Because a primary goal of California's juvenile justice system is to identify and address factors that led to juvenile court involvement, counsel are required to monitor progress and take appropriate action to implement court orders throughout the post-disposition term.<sup>10</sup>

Attorneys without sufficient juvenile expertise, resources, or supervision may fail at the outset of the case to initiate certain measures necessary in juvenile practice; for example, they may fail to interview family members, therapists, or case managers, or initiate psychological testing, for detention hearings and dispositional advocacy. They may fail to develop individualized disposition plans and instead attempt to size up how much a certain type of crime is “worth,” as is often done with adults. They may lack training in the use of age-appropriate vocabulary and communication styles. Attorneys who practice primarily in adult criminal court, crossing over only on occasion to delinquency court, may not understand their duties to presume their client's innocence and investigate the case.<sup>11</sup> If they lack training in criminal defense motion practice, they may not know how to make an adequate record to preserve an issue for appeal, and may fail to file appropriate dispositional and post-dispositional motions.

**Challenge 3: Jurisdictional Diversity** Notwithstanding its size and complexity, California has no centralized juvenile indigent defense system. Instead, each of the state's 58 counties is authorized to develop its own approach: In some counties, juvenile defenders operate as part of a panel; others work in offices that contract with a particular jurisdiction to handle juvenile cases; in some places, attorneys take individual case appointments at the request of the court; court-appointed attorneys may take only cases the public defender cannot handle; or court-appointed attorneys serve as the primary (or exclusive) source of counsel for indigent defenders. Many counties, including larger ones with substantial populations of young people in the delinquency system, utilize groups of attorneys or offices that bid for contracts to serve as appointed counsel in all juvenile cases in which the public defender's office has declared a conflict or is unavailable. The universe of appointed counsel also includes solo practitioners who do not belong to any one organization or office and who work in isolation.

Within this assortment of county-based approaches, one thing is consistently true: Few of the county systems for indigent juvenile defense provide the requisite resources needed to support training, appellate capacity, and access to advice from experienced juvenile law specialists. Indigent juvenile defenders carry the lion's share of this duty. Of the 35,576 juvenile cases in 2015 in which data on counsel was recorded, public defenders served in 70.4% of cases, appointed counsel served in 22.4% of cases, and 6.3% of cases were represented by private counsel.<sup>12</sup> Some were paid on a flat-fee basis; most were not compensated for the time to file motions or writs.<sup>13</sup> Indeed, only 417 writs were filed in 2015, representing less than 1% of juvenile delinquency cases filed.<sup>14</sup> This is especially troubling because writs are the mechanism by which to challenge illegal detention, transfer to adult court, and other custodial issues.

**Challenge 4: Training & Expertise Gap.** The variation in defense structures is reiterated in

the training juvenile defenders receive. In 2009, we at the Pacific Juvenile Defender Center (PJDC) conducted a survey of juvenile defense counsel.<sup>15</sup> More than 200 attorneys responded, representing 38 of the 58 counties and several indigent appellate defense offices. Of this self-selected group, 65% had been engaged in juvenile delinquency practice for more than 10 years, 24% from three to nine years, and 11% had been practicing for two years or less. Almost half of the respondents had received no specialty training before they began representing young people in delinquency proceedings. Of those who did receive some training in juvenile defense, 43% reported receiving training of one day or less. Eighty-two percent of defenders worked in offices without practice standards for handling juvenile cases, or did not know if such standards existed. Many public defender offices, especially in smaller or rural counties, lacked any in-house delinquency training at all, and had no written delinquency-specific resources available for their attorneys. Most juvenile defenders who did not work for a formal defender office received neither compensation nor reimbursement for attending training. Further, in counties without a public defender office, contract attorneys and appointed attorneys often labored with insufficient resources, training, or compensation to provide a proper defense.

In sum, the survey responses confirmed worrisome truths: That while some juvenile defense offices in California provide training and ongoing resources, most do not; and that preparatory training prior to juvenile defense assignments is the exception, not the rule, in the state. The survey results suggest that however well-meaning, hard-working, and intelligent, attorneys who are ill-prepared for the task represent far too many young people in our system.

In response to an increasing awareness of the unique nature of juvenile defense, the California Legislature enacted Assembly Bill 703 (AB 703) in 2015 to establish minimum training standards for juvenile defenders. Reflecting the urgency and scope of the problem as

described throughout this proposal, AB 703 requires every California juvenile defense attorney to demonstrate competence or receive training in specialized areas, including transfer and adolescent development. But while AB 703 uses the force of law to impose such standards, without ready access to specialized training, it will be difficult to bring talented new attorneys into the system, or assure that experienced attorneys have the requisite training needed to continue their practice.

**Challenge 5: Geographic Isolation and Juvenile Representation** In a state as large as California, counties vary not only by size and juvenile defender structure but also by geographic dispersal, population density, and resources, with distinct effects on juvenile defense. Shasta County, in the state's north, for example – 170 miles from the state capital of Sacramento, 225 miles from San Francisco and 550 miles from Los Angeles – has a large footprint (3,847 sq. miles), small population (178,000), and low density (47.3 people per square mile, 80% lower than the state's average), with 30% of people living in rural areas (compared to 5% for the state), and low average income (28% lower than state average).<sup>16</sup> In Shasta, the Public Defender's Office has one attorney assigned to juvenile matters for the entire county – and that attorney also covers misdemeanors, guardianship, conservatorships, specialty courts, and some adult cases. Conflict attorneys rotate for appointments each week. Because they also carry mixed caseloads and do not have a high volume of juvenile cases, they are particularly in need of juvenile training. Without it, life-altering mistakes can be made, such as allowing a 16-year-old to plead to a Welf. & Inst. Code §707(b) offense without realizing that it counts as an adult “strike.”<sup>17</sup>

Shasta County also contracts out space in its juvenile hall to surrounding counties that do not have their own juvenile halls, or in response to emergency situations (such as the state's recent floods). Given the distances involved, defenders in these surrounding counties face logistical

challenges in attempting to visit youth in juvenile hall, whether for pre-trial or post-disposition purposes. Post-disposition representation is a particular hardship in Shasta, due to the mixed juvenile/adult caseloads, rotating appointments, and far-flung placements. For example, Shasta has 30 young people in widely dispersed group homes throughout the state, often requiring drives of three hours, one way to visit clients. In such post-disposition settings, lawyers working in these conditions are particularly in need of support and training to provide the quality of representation required by AB 703.

Similar challenges exist in Butte County, a rural county of 1,700 square miles located about 130 miles south of Shasta. With no public defender office, all juvenile cases are handled by contract, primarily by one attorney with a caseload of 100 active cases and 200 post-disposition cases each year. With this minuscule capacity and substantial demand, Butte's primary juvenile defender rarely encounters another juvenile attorney even from Shasta or Tehama, its closest counterparts. Without the resources or personnel to provide training, reasonably convenient access to training, or compensation to cover either the cost of training or the time to attend training, Butte's contract juvenile defender soldiers on. For such juvenile defenders laboring in isolation, without access to supplemental capacities, far from supportive resources, the opportunities for shared learning, peer networks, and targeted training are rare and difficult to access.

**Challenge 6: Appellate Issues** If the state of juvenile defense in California is worrisome, the state of juvenile appellate capacity is truly alarming. The 2016 *Court Statistics Report* reveals that out of 40,726 juvenile delinquency petitions filings in FY 2015, only 3,026 notices of appeal (7% of cases) were filed,<sup>18</sup> indicating that many cases are not being fully litigated. At the same time, the low incidence of appellate challenges is not surprising. If half of lawyers appointed in

California delinquency proceedings received no juvenile-specific training before representing young people in juvenile court, even fewer have the requisite knowledge to file appeals and writs. Further, when lawyers are not trained to “make a record” through cogent legal objections and to introduce evidence that cannot then be ignored, the juvenile bar as a whole loses opportunities to put both the trial and appellate courts on notice of important issues requiring consideration. Such vigorous court challenges are often essential to the development of legislative and policy remedies.

The presence of strong appellate advocacy is especially important right now. Indeed, challenges in the California court and appellate systems are gaining traction for the first time in decades. In the 1980s and 1990s, exaggerated perceptions of juvenile crime shifted the playing field toward punitive measures in the legislature and the courts. Politically motivated judicial appointments resulted in courts that were frequently hostile to the rights of both juvenile and criminal defendants. Budgets for indigent defense were either static or reduced, and defenders were increasingly burdened in their efforts to provide quality representation. In that era, law reform through appellate advocacy was not a tenable strategy. In the past ten years, however, a growing movement against mass incarceration and punitive punishments, especially for young people, has helped to usher in national and state-level reforms. Definitive findings in brain science and psychosocial research have illuminated the scientific truth that adolescent brain development is a critical element in understanding juvenile behavior, and a remarkable quartet of United States Supreme Court decisions<sup>19</sup> has affirmed that the juvenile justice system must recognize young people’s lessened culpability, substantial capacity for change, and developmental-specific needs.

**Challenge 7: Tribal/State/Federal Law** In addition to the other statewide issues affecting

juvenile defense, California practitioners need additional training and support regarding representation of Native American young people. Native youth, like all youth in federal and state court, are entitled to due process protections under the Fifth Amendment, including the right to counsel afforded by *Gault*. However, under the well-settled principles of tribal sovereignty, the constitutional rights and due process protections that afford indigent defendants a right to counsel in the United States do not apply to Native youth prosecuted in tribal courts. Unlike the majority of youth charged with delinquency offenses in state courts, Native youth may be prosecuted in three distinct justice systems: federal, state, or tribal, and are subject to transfer to adult court within any of these systems.<sup>20</sup>

The Census Bureau reports that California has the largest number of Native people in the United States, estimated at 372,000.<sup>21</sup> There are 105 Native tribes in California; as a whole, they are represented in 20 tribal courts.<sup>22</sup> A growing number of studies indicate that rates of arrest, adjudication, and incarceration for Native youth are disproportionate both to their population and in comparison to rates for white youth;<sup>23</sup> in fact, the Native youth proportion is greater at each stage of the juvenile justice system. This is consistent with national statistics: In four states with substantial Native populations, Native young people represent 29% to 42% of juveniles in secure confinement.<sup>24</sup> Native youth are about 30% more likely than white youth to be referred to court rather than having charges dropped, 10% more likely to be detained awaiting trial, 10% less likely to receive the comparatively lenient measure of diversion or probation, and 50% more likely to receive the most punitive measures, including out-of-home placement after adjudication or waiver to the adult criminal justice system. Native youth are committed to adult incarceration at a rate 1.84 times that of whites.<sup>25</sup>

Thus, “Juvenile defenders face distinct challenges and must consider unique strategies and

approaches to provide culturally competent, effective, ethical, and high quality representation to [Native] youth.”<sup>26</sup> And despite the size of the Native population in California, the disproportionate rates of justice involvement and outcomes for Native people, and the complexities of state/tribal systems, the state provides no training for juvenile defenders working with Native youth in state courts. In the absence of any coordinated resource or training, defenders frequently neglect to ask their clients even the most essential questions, such as whether the young person is a member of a tribe, what services the tribe offers, and the relationship between the tribe and the state courts. They seldom look to the tribes as a resource in litigation and disposition of the case.

**Challenge 8: Specialized Needs (PREA, Race, Sexual Orientation, and Gender Identity)**

As in the case with Native youth, young people of color (particularly Black and Latino youth) are disproportionately represented in the delinquency system in California.<sup>27</sup> Racial and ethnic disparities stem from a number of factors, one of which is implicit bias of the stakeholders in the juvenile justice system, including juvenile defenders.<sup>28</sup> This needs to be recognized and addressed; awareness and examination of implicit bias, both within attorneys and in the system as a whole, is a critical part of juvenile defense. The need to train all juvenile defenders on this issue is imperative. Recognizing this difficult but important truth, PJDC regularly trains juvenile defenders on the JTIP module “Raising Race,” which educates defenders on the impact of implicit racial bias and provides strategies for raising race-related arguments at all stages of a delinquency case. PJDC has conducted “Raising Race” trainings at the JTIP Summer Academy (an intensive week-long intensive training program for frontline juvenile defenders from across the country), at PJDC Roundtables, and at individual public defender offices. We will continue and expand this work as part of this project.

Similarly, juvenile defenders must be trained on issues relating to the dangers of detention, particularly sexual assault. The Prison Rape Elimination Act (PREA), enacted in 2003, included standards for juvenile detention facilities, but California has not yet officially adopted the PREA standards in its facility regulations. Training on PREA enables juvenile defenders to effectively advocate for clients and hold detention facilities accountable to national standards. This is especially important when younger or more vulnerable youth are housed in any custodial program, but especially in programs at the Department of Juvenile Facilities. Training on PREA, especially as affecting juveniles, will be included in the work proposed by this project.

An emerging body of literature shows that Lesbian, Gay, Bisexual, Questioning/Gender Nonconforming, and Transgender (LGBQ/GNCT) youth are more likely to be arrested, charged, detained, and incarcerated than straight and/or gender conforming and cisgender<sup>29</sup> youth. In general, LGBQ/GNCT youth are overrepresented in the juvenile justice system; a recent study by Impact Justice shows that 19% of youth detained in California's juvenile justice facilities identified as LGBQ/GNCT; of these, 12.1% of detained boys and 51.1% of detained girls identified as LGBQ/GNCT. The same study revealed interesting regional differences, with the highest percentages of detained LGBQ/GNCT youth in the northern part of the state, such as Shasta, Butte, and Humboldt.<sup>30</sup> The study recommend that a broad range of stakeholders should be involved in the development of LGBQ/GNCT youth policies, and that all relevant stakeholders should be trained in such policies and understand their provisions. In addition, Two Spirit youth – the Native term that refers “to the historical and current First Nations people whose individual spirits were a blend of female and male spirits” – require attention to the intersection of gender identity and Native culture.<sup>31</sup> To protect the rights of these populations and to prevent unnecessary incarceration, training is key.

## **B) Goals, Objectives, and Performance Measures**

PJDC is uniquely qualified to develop and implement targeted strategies and resources to address the strategic areas of need, and in particular, to advance capacity for juvenile defenders in California's rural, tribal, remote, and under-resourced areas. PJDC proposes to develop and implement the Juvenile Defender Resource Project (the Project), with five intersecting goals:

### **Goal 1: Cultivate Local Capacity and Coordination in Remote Regions**

As detailed in Section C, below, the Project will implement the Juvenile Training Ambassadors Program (J-TAP). **Objective 1b)** Under the leadership of a J-TAP Training Attorney and a J-TAP Program Coordinator underwritten by this grant, J-TAP will establish one or two Regional Learning Communities (RLCs) in each of three remote and under-resourced regions of the state over the course of the grant. **Objective 1b)** Each of the six RLCs will identify one to two local juvenile defenders to serve as Regional Training Ambassadors (RTAs) in a Train-the-Trainer framework. **Objective 1c)** Working with the RLCs and RTAs in one region annually, J-TAP will conduct four, two-day assessment and training visits each year, and the region's RTAs will also participate in two semi-annual, multi-day professional development trips to the Bay Area. The goal will be to assess and identify local needs, to design training to meet those needs, and then to train the trainers to provide it. Using this framework, J-TAP will train 50-70 people through six RLCs during the three-year grant period.

### **Goals 2 & 3: Develop Resource Materials Addressing Regional and Specialized Issues**

PJDC will identify, develop, and upload training and resource materials that will be made available for download by defenders across the state. In addition to the importance of advancing collective capacity, each year brings new changes to state law that impact juvenile defense, but these new laws may go unrecognized or mistakenly interpreted by juvenile defenders. Informed

by J-TAP surveys, and as indicated by requests from our listserv and Expert Corner users, PJDC will augment our existing document repository by gathering or producing reference materials that reflect each region's unmet needs and priorities; these materials will be hosted on PJDC's website for free download, to ensure that youth rights are protected and that laws are implemented and applied fairly. These materials will include:

- **Objective 2/3a)** Update *Collateral Consequences of Juvenile Delinquency Proceedings in California: A Handbook for Juvenile Law Practitioners* to reflect changes in law and practice since 2009
- **Objective 2/3b)** Develop a *Post-Disposition Manual* detailing post-disposition duties for juvenile defense attorneys, including information about how juvenile defenders in remote and rural jurisdictions can improve post-disposition representation
- **Objective 2/3c)** Develop a *Sealing and Post-Wardship Advocacy Toolkit* to educate juvenile defenders on various advocacy methods for sealing juvenile records, including motions to reduce the impact of juvenile record; develop a factsheet to help youth and families understand the complexities of record-sealing
- **Objective 2/3d)** Develop or aggregate resource materials related to, and provide training on, specialized topics, including PREA, Raising Race, Native youth, LGBTQ/GNCT/TS
- **Objective 2/3e)** Upgrade and redesign website to include new online content of particular importance to regional or rural defenders (including modules on topics mentioned throughout this proposal)

#### **Goal 4: Advance Appellate Capacity and Impact**

- **Objective 4a)** Provide training and resource materials to help Regional Training Ambassadors and Regional Learning Communities, as well as lawyers around the state, learn how to make a record sufficient to support appellate challenge

- **Objective 4b)** Develop sample motions, writs, and other pleadings to support “swarm litigation” as described in Section C, below, to remedy unconstitutional probable cause determinations for juveniles, and to remedy the use of juvenile shackling in courtrooms and in transportation

#### **Goal 5: Conduct Policy Advocacy**

- **Objective 5a)** Through training, education, amicus briefs, and policy recommendations, decrease incarceration and increase diversion for youth found incompetent

- **Objective 5b)** Provide county-specific advocacy, support statewide legislation, and undertake appellate litigation to challenge terms of probation that allow protracted electronic monitoring; offer resources and sample pleadings for use in individual cases

- **Objective 5c)** Advance policy discussions and rulemaking to assure that data related to Latino and Native youth are disaggregated in data collection, and that race/ethnicity is reflected in data throughout the juvenile court process

#### **C) Program Design and Implementation**

In this context – a new state and national appreciation for the importance of specialized representation and the need for systems that address adolescent development; national calls for justice reform on use of incarceration and transfer, state-specific issues including legislative training mandates, and California-specific needs based on geography, and tribal/state/county dynamics – PJDC submits this proposal for the Enhancing Youth Access to Justice Initiative.

Although PJDC is the state's only delinquency-specific organization, a large segment of the juvenile defense community is not yet meaningfully connected to our trainings and resources.

PJDC is committed to increasing the enrollment and engagement of defenders in under-resourced areas of the state. While our listserv, website, online learning, document repository, and Expert Corner represent cost-effective and important resources, they do not substitute for in-person training, or for the development of targeted materials needed by some jurisdictions. In addition, online services cannot readily advance a region's collective capacity or help build an intentional network among a region's local practitioners. Finally, they do not yet provide the targeted and specialized resources necessary to meet the needs of juvenile defenders in remote, rural, and under-resourced areas of this vast state. Thus, the Project proposes a five-part strategy:

**Strategy 1: Regional Learning Communities and Regional Training Ambassadors** To identify, cultivate, and reinforce regional juvenile defense capacity in three remote regions across the state, PJDC will develop the Juvenile Training Ambassadors Program (J-TAP), which will improve local juvenile defense expertise through targeted training, strengthen the network of connections among local stakeholders through a formalized structure, and institutionalize a partnership between PJDC and the regional communities through collective efforts.

With support of funding provided by this grant, PJDC will hire a dedicated J-TAP Training Attorney (.4 FTE) and a J-TAP Program Coordinator (.6 FTE), develop project-specific resources, and underwrite the costs of training and travel to organize six Regional Learning Communities (RLCs) in three remote and under-resourced regions of the state over the course of the grant. Each of the three regions will form two RLCs, representing different jurisdictions in geographic proximity to each other (for example, clustering RLCs for Shasta and Butte Counties into one region). By creating two RLCs within each remote region, J-TAP will increase the

number of involved and connected regional stakeholders while amplifying each region's collective capacity. In this fashion, J-TAP will serve six RLCs of 8-12 people each during the three-year project.

Making quarterly visits to one region each year, J-TAP's Training Attorney and Program Coordinator will build regional stakeholders' commitment and capacity to improve outcomes by convening and supporting shared learning among community stakeholders, and training trainers, within each region. With J-TAP support, each region's RLCs will engage in a yearlong course of activities. Supported by J-TAP staff and employing data-driven decision-making, the region's RLCs will identify, analyze, and develop approaches to improve local capacities for juvenile defense within their region. Surveys will assess defenders' caseloads, identify gaps in knowledge of juvenile law and defense practice, and, with the input of local defenders, identify high-priority areas for attention. Surveys will also elicit information about implicit bias, special populations, and PREA, asking questions on LGBTQ/GNCT/TS youth, PREA, and race, ethnicity, and gender, including how these factors contribute to disproportionality at various points in proceedings (detention, disposition, post-disposition). Using analysis of the surveys, J-TAP staff will assist RLCs to identify priorities for professional development and appellate opportunities. From these priorities, J-TAP will then develop and conduct this yearlong series of quarterly training and strategy meetings, held within the region, to address the region's needs and opportunities.

To support the yearlong work for each Regional Learning Community, the J-TAP Training Attorney and Program Coordinator will host monthly video conference calls of all RLC members. Guided by structured learning agendas, each video call will offer a mini-lesson on an area of juvenile law; identify available reference materials related to the mini-lesson; identify an appropriate attorney from the "Expert Corner" pool; and provide a printed "Key Reminders"

FAQ related to that area of practice. J-TAP will also create and maintain an RLC roster and contact list, to facilitate participants' access to one another, and all members of each RLC will join PJDC's listserv.

Finally, each of the six Regional Learning Communities will identify one to two local juvenile defenders to serve as Regional Training Ambassadors (RTAs). On behalf of their RLCs, and using a Train the Trainer approach, these RTAs will participate in two semi-annual professional development trips to the Bay Area; all travel and training expenses for RTAs will be covered by J-TAP. During these trips, RTAs will engage in site visits to be exposed to varying models of juvenile practice; they will also engage in training on cultivating and convening key stakeholders in their regions (for example, community advocates, judges, tribal leaders, and juvenile social service workers) to advance policy, and increase resources, knowledge, and networks. All RTAs will be trained in the resources available through PJDC, including listserv membership, annual professional development Roundtables, web-based streamed learning, Expert Corner, and practice guides and materials, among other resources. In addition, PJDC's Board and its Policy and Training Director will participate in designing and conducting these trainings. The RLCs and RTAs will complete pre/post surveys to assess changes in knowledge, attitudes, or practices throughout the year and at the year-end.

**Strategy 2: Enhance Practice Toolkits and Web-Based Resources** With its proven track record, PJDC plays an essential role in creating advocacy toolkits and expert materials on a wide array of subjects for juvenile defenders across the state. With the support of OJJDP funding, PJDC will update existing and develop new specialized materials to enhance and improve the level of practice in juvenile courtrooms. Materials will be embedded into the J-TAP framework and will be available to others by download from our website. These materials will include:

- *Collateral Consequences Handbook*. In 2011, PJDC published *Collateral Consequences of Juvenile Delinquency Proceedings in California: A Handbook for Juvenile Law Practitioners*, a comprehensive, 20-chapter book that details the short and long-term adverse results that flow from a juvenile arrest, prosecution, or adjudication. This manual has been distributed throughout the state and has been utilized by stakeholders throughout the juvenile system. However, the law governing collateral consequences has changed substantially in recent years in a number of areas including immigration, record sealing, and the need to disclose one's record in school applications. As part of this project, PJDC will assess the changes in law and supervise and complete an update of the *Handbook*.

- *Post-Disposition Manual*. PJDC will develop a manual detailing post-disposition duties for juvenile defense attorneys. The manual will provide information on the obligations of juvenile defenders post-disposition, including how to advocate for youth on probation as well as in out-of-home placements and custodial programs; how to inquire about conditions of confinement; and how to advocate for a change in the court's orders such as a return home if an out-of-home placement is not meeting a young person's rehabilitative needs. This type of advocacy is often challenging for juvenile defenders who do not have the resources for additional staff, because it requires staying in contact with clients at home, or in custody (sometimes far away for defenders in small, rural counties. Accordingly, the Post-Disposition Manual will focus on ways juvenile defenders in remote and rural jurisdictions can improve post-disposition representation even when they are understaffed and under-resourced.

- *Sealing and Post-Wardship Advocacy Toolkit*. Juvenile delinquency involvement may have consequences that follow a youth well into adulthood. Though changes in state law allow automatic sealing of juvenile records for youth who successfully complete probation (2015),<sup>32</sup>

many youth are not eligible for automatic sealing. Youth whose probation ended prior to the new statute, or whose probations were terminated unsuccessfully, must follow the more onerous procedures of Welf. & Inst. Code § 781, requiring an application fee (for those over 24 years of age) and a petition to the court. In many parts of California, youth who must follow § 781 are not represented by counsel. Their petitions may be denied because they did not provide sufficient or pertinent information. Youth who have been adjudicated of offenses under Welf. & Inst. Code § 707(b) are unlikely to have the knowledge to ask that their case be reduced to a misdemeanor, so that their cases might be eligible for sealing. The lack of representation for youth at sealing hearings and other post-disposition relief hearings may be due to lack of resources, or misapprehension as to the defender's role in the delinquency process. To change this situation, PJDC will develop a toolkit outlining various advocacy methods for sealing juvenile records, including motions that will reduce the impact of juvenile record on a person's life. This toolkit is designed to educate juvenile defenders on these methods and the need to represent youth at such hearings. The toolkit will also contain a factsheet to help youth and families understand the different complexities related to sealing, in the event that the juvenile defenders in that particular area are ultimately not able to provide representation.

- *Upgrade Website.* California's size – both in geography and population – makes it impossible for in-person trainings to reach all juvenile defenders in the state. PJDC's current website was developed in 2009 to serve as an efficient and readily available resource of print materials, access to experts, and online learning. It is in desperate need of upgraded capacity, structure, and content to better meet training needs for juvenile defenders throughout the state. Given our nearly 8 years of experience with the website and listserv, we now know a great deal more about what defenders want and use, and about the technological capacities necessary to

leverage these resources. Among our most important technological needs is the capacity to provide online, on-demand learning modules via streaming media. We also need to redesign the site's architecture and user interface to improve ease of use and navigation. With the support of OJJDP funding, PJDC will undertake a substantial website redesign; we will also produce new online content of particular importance to regional or rural defenders (including modules on topics mentioned throughout this proposal). The funding will also help to support the costs associated with providing on-demand streaming technology for a larger audience.

### **Strategy 3: Develop Resources and Training on Specialized Issues**

Within the Regional Learning Community model, PJDC will undertake opportunities to address foundational issues related to race and ethnicity, gender identity, and Native youth: each RLC's self-assessment will include questions related to needs of, knowledge about, and resources regarding these elements within the local juvenile delinquency system.

PJDC has an existing cadre of experts in specific areas of juvenile practice who are available to answer questions from practitioners throughout the state; adding to this, PJDC will develop a new component: "Ask An Expert on Delinquency Proceedings for Native Youth." Judge Abi Abinanti, Chief Judge of the Yurok tribe, will serve as a consultant of PJDC on these issues. PJDC will also identify other experts to serve as consultants. In consultation with these experts, PJDC will develop an introductory course on principle issues in juvenile representation for Native youth, to be included in RLC curricula and made available online.

To advance capacity to address issues of gender identity and sexual orientation, PJDC will similarly consult with a variety of specialists to identify, develop, and provide training on resources to advance juvenile defenders' capacity to meet the needs of LGBTQ/GNCT/TS youth.<sup>33</sup> All RLCs and RTAs will be trained on Raising Race, PREA, and the importance of data

analysis to advance juvenile defense for special populations in their regions.

**Strategy 4: Advance Appellate/Trial Capacity and Impact (Swarm Litigation)** The rules of appellate practice hold that an issue cannot be raised on appeal or in a writ unless an objection or motion was made in the trial court – but many practitioners do not know how to make a record, so the issues are lost. To address this need, PJDC will work with practitioners in the selected remote counties, as well as lawyers around the state, to increase their engagement in appellate challenges. Further, J-TAP’s curriculum will provide training on how to make a record.

PJDC will also use our Amicus Committee and our assessments in targeted counties to identify issues ripe for appellate attention. Having identified key issues, PJDC will develop sample motions, writs, and other pleadings to support defenders in counties that do not provide appellate support. We will encourage practitioners in selected counties to persistently file writs and appeal on these issues until the appellate courts take notice and decide the issue. We have loosely named this “swarm” litigation. Currently, PJDC has two issues ready for this action:

- First, California’s statutes on probable cause determinations appear to be unconstitutional. While under *Riverside v. McLaughlin* (1991) 500 U.S. 44, a person who is detained must receive a probable cause determination within 48 hours of arrest, California law allows juvenile determinations to occur between 3 and 7 days after detention (Welf. & Inst. Code § 631, subd. (a), 632). Under state laws, a huge proportion of detained youth are systematically over-incarcerated. In partnership with the RLCs, we intend to mount a “swarm” attack on the statutes, to obtain appellate decisions that can eventually lead to a change in our laws.

- We would also like to mount a concerted attack on juvenile shackling in California courtrooms and in transportation. While the state has a good appellate decision on the issue (*Tiffany A. v. Superior Court* (2007) 150 Cal.App.4<sup>th</sup> 1344), many courts fail to comply with the

spirit of the law; for example, by keeping youth shackled in the courtroom until the moment their case is called, or requiring youth to make a motion in order not to be shackled. We are confident that by concentrating on such practices in a few places, we may be able to stem these abuses and obtain further appellate court guidance. We believe that the remote communities, such as those targeted by this project, represent important partners in swarm litigation to address this issue.

### **Strategy 5: Conduct Policy Advocacy**

- *Advocacy Area 1: Juvenile Competence* PJDC has long been involved in helping to develop policy on the issue of juvenile competence to stand trial. We have been intimately involved in appellate challenges that recognized the role of developmental immaturity in competence, and in challenging erroneous determinations of competence in high profile cases; PJDC's Board members performed the first statewide analysis of juvenile competence and later helped to write California's statute on juvenile competence. The California competency statute includes specific requirements for experts appointed to conduct competency assessments. However, defenders throughout the state have notified PJDC that even when competency evaluations are properly conducted, the court-ordered remediation either bears no relationship to the client's disabilities or is ordered to be performed by a person with little or no qualifications in adolescent development, adolescent competency, or the particular disabilities involved. As part of this project, PJDC will work to increase understanding of competency "remediation," and whether it can occur at all. We will also work to decrease incarceration of incompetent youth and increase diversion from the formal juvenile justice system. This work will be done through training and educating juvenile system stakeholders, providing amicus work on juvenile cases, and weighing in on specific policy proposals.

*Advocacy Area 2: Juvenile Electronic Monitoring* Youth on probation in California are

subject to onerous probation conditions, often including being placed on electronic monitors for months on end, subjecting them to electronic search conditions. These probation conditions are meant to be an alternative to incarceration, but all too often result in probation violations, resulting in more time in custody. In collaboration with partners, PJDC will work to challenge such probation terms. This work will be done through a combination of county-specific advocacy, possible statewide legislation, and appellate litigation. PJDC will also offer resources and sample pleadings to juvenile defenders for use in individual cases.

*Advocacy Area 3: Race and Ethnicity Data Collection and Use* Currently, California does not disaggregate its demographic data to report on Latino or Native American youth, despite the fact that we have a substantial Latino population and more than 100 Native tribes in the state. Having accurate data on racial and ethnic minority groups enhances all stakeholders' understanding, particularly on issues relating to implicit bias at the various decision-points along the juvenile justice continuum, from filings to adjudications, dispositions, and placements. In 2016, AB 1998 (Campos) was signed into law, requiring the Board of State and Community Corrections (BSCC) to develop recommendations on best practices and standardization for disaggregating juvenile justice caseloads and outcomes by race and ethnicity. Within this context, PJDC will participate in policy discussions and rulemaking to assure that Latino and Native youth are disaggregated in data collection, and that race/ethnicity is reflected in data throughout the juvenile court process. We are especially well situated for this work, because PJDC's Policy and Training Director serves on the Juvenile Justice Data Working Group at the BSCC.

#### **D) Capabilities and Competencies**

The Pacific Juvenile Defender Center (PJDC) is one of nine regional centers established in 1999 by the National Juvenile Defender Center (NJDC), supporting juvenile trial lawyers,

appellate counsel, law school clinical programs, and nonprofit law centers to ensure quality representation for children in delinquency proceedings throughout California. Given that California lacks a state-level juvenile justice agency, PJDC plays a unique and critically important role to ensure adequate counsel and improve outcomes for California's justice-involved young people. PJDC's staff and Board are demonstrated leaders in the practice and advancement of juvenile defense. For example, several of PJDC's Board members are certified Juvenile Training Immersion Program (JTIP) trainers. Developed by NJDC to elevate the practice of juvenile law, JTIP is a highly specialized, comprehensive, trial advocacy training program to help juvenile defenders meet their obligations at every stage of the delinquency system. Of the five Certified JTIP trainers in the state of California, four of them are members of PJDC's Board. Board Chair Patricia Lee and Policy and Training Director Sue Burrell have also been lauded, in California and nationally, for their work. With a listserv of more than 1,275 juvenile defenders, an information-rich website offering downloadable resources, and recognized leadership in juvenile defense, PJDC provides training and technical assistance to advance the practice of California's juvenile trial lawyers and appellate counsel; its Amicus Committee contributes to published case law; and its policy development and advocacy has had substantial impact on statewide legislation. Board members are frequently sought out for advice from legislative staff and members of the judiciary.

PJDC's record of successful policy reform initiatives reflects our expertise in working with state-level policymakers, analyzing juvenile justice data and budgets, assessing systems, drafting legislation, and supporting implementation. For example, we successfully brought an end to incarcerating truants for contempt in California. This work required us to pursue Public Records Act requests, gather and analyze data on affected youth, and compile research on incarceration's

effects. We drafted legislation, provided essential information to legislative staff, and successfully shepherded Senate Bill 1296 into law, ending this harmful practice.

In another example, we were instrumental in ending direct filing of cases against juveniles in the adult criminal court. We obtained data showing that some 6,000 youth in California were in state prison for crimes committed at less than 18 years of age. We compiled research on the capacity of adolescent development, brain plasticity, and the damage done by holding young people in the adult system, including Supreme Court cases addressing the lesser culpability of young people and the impact of immaturity, peer influences, and community factors on behavior. We negotiated changes to Welf. & Inst. Code § 707, clarifying factors to be considered in transfer cases and adding language on adolescent development. Finally, in 2016 we joined with California's Governor to pass Proposition 57, which abolished direct filing. We then took the lead in implementation, developing litigation and training materials to help defenders to file retroactivity motions, and to use the new transfer laws in judicial transfer hearing.

We have also taken part in major policy reform efforts nationally. In 2008, the John D. and Catherine T. MacArthur Foundation established the Juvenile Indigent Defense Action Network (JIDAN) as part of its \$100 million Models for Change Initiative. Four states, including California, were selected to augment capacity of the juvenile defense bar and to improve the quality of representation for youth involved in the delinquency system. Supported by JIDAN, PJDC was able to enhance its capacities and resources: establishing a website for training and resource materials, developing competency protocols, conducting a survey of juvenile defenders, producing a comprehensive handbook, and developing and supporting an active listserv that handles hundreds of questions each year.

In sum, PJDC has developed a substantial body of work to build juvenile defender capacity

and advance the field:

### **1. Professional Development Resources, Trainings, and Roundtables**

- PJDC’s website contains a Resource Bank with hundreds of documents, operates a member directory of more than 1,275 juvenile defenders, and manages an Expert Corner staffed with more than 40 juvenile advocates who volunteer their time to address questions about specified subjects.
- Since 2000, PJDC has conducted annual, day-long training Roundtables, convening juvenile defenders throughout California to provide legislative and statutory updates, train practitioners in new techniques in courtroom advocacy, and reinforce key principles and practices delinquency defense. Conferring five Mandatory Continuing Legal Education (MCLE) units, recent Roundtables included sessions on Detention Advocacy, Competency in Juvenile Proceedings, and Dispositional Advocacy, as well as updates on legislation and juvenile case law.
- PJDC provides ongoing technical support to public defender offices in developing holistic and developmental approaches to their juvenile unit

### **2. Publications**

- PJDC has published substantial journal articles and white papers to advance collective capacity in juvenile defense, including “Protocol for Competence in California Juvenile Justice Proceedings” (2012); “Contracts for Appointed Counsel in Juvenile Delinquency Cases: Defining Expectations,” 16 UC Davis Journal of Juvenile Law & Policy (2012); and “The 48 Hour Rule and Over-Detention in California Juvenile Proceedings,” 20 UC Davis Journal of Juvenile Law & Policy 1 (2016).

### 3. Appellate, Amicus, and Legislation

- PJDC has been involved in major legislative victories: In addition to Proposition 57, AB 703, and SB 1296, described above, we held leadership roles in Senate Bill 9 (2013), which enacted a youthful offender review process for people who were sentenced as juveniles to life without possibility of parole; and Senate Bill 260/261 (2014), which enacted a sentencing review process for youth up to age 23 sentenced to adult terms.
- PJDC's Amicus Committee has played a key role in a series of far-reaching California Supreme Court cases, changing the way children are treated in the criminal justice system. These include *People v. Caballero*, 55 Cal.4th 262 (2012), which struck down de facto life sentences for juveniles tried as adults, and *People v. Gutierrez*, 58 Cal.4th 1354 (2014), which requires courts to consider the *Miller v. Alabama* hallmarks of youthfulness in sentencing juveniles eligible for life without parole sentences. Working with advocates in other jurisdictions, PJDC has signed on to amicus briefs for cases in the United States Supreme Court, including *Montgomery v. Louisiana*, 577 U.S. \_\_\_ (2016).
- We have successfully engaged in targeted appellate actions. First, beginning in 2012, working with lawyers in Alameda County (CA), our Amicus Committee helped challenge the failure of courts to appoint counsel in status offender cases. The next year, in *In re M.R.* (2013) 220 Cal.App.4th 49, we successfully obtained an appellate ruling that mandated statutory procedures governing civil contempt proceedings before ordering the secure confinement of any child. More recently, our Appellate Committee focused attention on extreme interrogation techniques that often result in involuntary confessions. One of the cases, *In re Elias V.* (2015) 237 Cal.App.4th 568, resulted in the first appellate decision in the country disapproving use of the Reid Technique for interrogation of

children. That decision is now being used as a model for challenges around the country.

- Because of our work on behalf of transferred youth, we are recognized as experts on transfer issues, and four members of our Board were invited to the 2016 Juvenile Law Center convening to develop transfer strategies with advocates from around the country.

Notwithstanding this record of accomplishment and leadership, PJDC operates with a very small staff of consultants: a .5 FTE Policy and Training Director and a .5 FTE Project Manager (both of whom are practicing attorneys with expertise in juvenile defense), along with a contract bookkeeper. PJDC has no office and augments its resources through pro bono services provided by its 11-person Board of Directors, comprising the aforementioned Amicus Committee, a Fundraising Committee, a Website Committee, a Transfer Grant Committee and a Training and Publications Committee. PJDC also benefits from the expertise of its statewide Advisory Board, along with PJDC members who volunteer their time in a variety of ways, such as staffing the Expert Corner of the website. A 501(c)(3) charitable organization, PJDC has long experience in managing and reporting on multiple funding sources. PJDC's Chief Financial Officer works with a contract bookkeeper to maintain the financial systems, track our grant-funded budgets, and manage the production of financial reports to the Board and year-end state and federal tax reports and filings. With the support of funding from OJJDP, PJDC is poised to spring to the next level of capacity and impact. We are eager to help juvenile defenders develop knowledge, skills and resources to meet the needs of rural, tribal, remote, and underserved areas. We are grateful for the opportunity to submit this proposal.

---

<sup>1</sup> Patricia Puritz, Sue Burrell, Robert Schwartz, Mark Soler, & Loren Warboys, *A Call for Justice: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings*, American Bar Association, 1995.

<sup>2</sup> *Juvenile Justice in California 2015*, Office of the Attorney General, Table 13.

<sup>3</sup> Welf. & Inst. Code § 202

<sup>4</sup> Laurence Steinberg & Elizabeth S. Scott, “Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty,” 58 *Am. Psychologist* 1009 (2003); Elizabeth S. Scott & Laurence Steinberg, *Rethinking Juvenile Justice* (2008), Elizabeth S. Scott, “The Legal Construction of Adolescence,” 29 *Hofstra L. Rev.* 547 (2000).

<sup>5</sup> Kristin Henning, “Loyalty, Paternalism, and Rights: Client Counseling Theory and the Role of Child’s Counsel in Delinquency Cases,” 81 *Notre Dame L.Rev.* 245 (2005), pgs. 272-273, cited in *Graham v. Florida* (2010) 560 U.S. 48, 78, Jodi L. Viljoen and Thomas Grisso, “Prospects for Remediating Juveniles’ Adjudicative Incompetence,” 13 *Psychology, Public Policy and Law* 87 (2007), pgs. 95-97.

<sup>6</sup> *Juvenile Justice in California* 2015, Office of the Attorney General, Table 20.

<sup>7</sup> Welf. & Inst. Code § 634, added by Stats.1961, c. 1616, p. 3475, § 2

<sup>8</sup> National Juvenile Defender Center, *Role of Juvenile Defense Counsel in Delinquency Court* (2009), pgs. 13-14.

<sup>9</sup> Welf. & Inst. Code § 202

<sup>10</sup> Welf. & Inst. Code § 634.3

<sup>11</sup> *In re Edward S.* (1989) 173 Cal.App.4<sup>th</sup> 387; Welf. & Inst. Code § 634.3

<sup>12</sup> *Juvenile Justice in California* 2015, Office of the California Attorney General, Table 20.

<sup>13</sup> Sue Burrell, “Contracts for Appointed Counsel in Juvenile Delinquency Cases: Defining Expectations,” 16 *UC Davis Journal of Juvenile Law & Policy* (2012).

<sup>14</sup> Judicial Council of California, “2016 Court Statistics Report,” pgs. 66, 77

<sup>15</sup> The survey data set forth in this section are taken from Sue Burrell, “Juvenile Delinquency: The Case for Specialty Training,” *Daily Journal* (Jan. 14, 2010).

<sup>16</sup> <http://www.co.shasta.ca.us/docs/HHSA/about-us/chsa-draft-040816.pdf?sfvrsn=46>

<sup>17</sup> Welf. & Inst. Code § 707(b) outlines a list of offenses that make youth charged with these offense eligible for commitment to the California Department of Juvenile Facilities, and if youth is 16 or older, that the majority of these constitute adult “strikes.”

<sup>18</sup> <http://www.courts.ca.gov/documents/2016-Court-Statistics-Report.pdf>.

<sup>19</sup> In four successive decisions – *Roper v. Simmons* (2005) 543 U.S. 551, *Graham v. Florida* (2010) 560 U.S. 825, *Miller v. Alabama* (2012) 132 S.Ct. 2455, and *Montgomery v. Louisiana* (2016) 136 S.Ct. 718 – the United States Supreme Court has made it clear that the Eighth Amendment demands that children be treated differently from adults for sentencing purposes.

<sup>20</sup> National Juvenile Defender Center, “Tribal/Native American Youth,” <http://njdc.info/tribalnative-american-youth/>

<sup>21</sup> [http://www.census.gov/population/www/cen20--/cph-t/t-6tables/TABLE%20\(19\).pdf](http://www.census.gov/population/www/cen20--/cph-t/t-6tables/TABLE%20(19).pdf)

<sup>22</sup> <http://www.calindian.org/california-tribal-courts/>

<sup>23</sup> <https://www.ojjdp.gov/mpg/litreviews/Tribal-youth-in-the-Juvenile-Justice-System.pdf>,

[http://www.aisc.ucla.edu/iloc/report/files/Chapter\\_6\\_Juvenile\\_Justice.pdf](http://www.aisc.ucla.edu/iloc/report/files/Chapter_6_Juvenile_Justice.pdf),

<http://www.npr.org/2015/07/31/428016692/juvenile-justice-system-failing-native-americans-studies-show>

<sup>24</sup> Robert Winters, “The Quiet Crisis in Native American Juvenile Justice,” *Corrections*, Kaplan University, 6/23/2014.

<sup>25</sup> C. Hartney, “Native American Youth and the Juvenile Justice System,” National Council on Crime and Delinquency (2008).

<sup>26</sup> National Juvenile Defender Center, “Tribal/Native American Youth,” <http://njdc.info/tribalnative-american-youth/>

<sup>27</sup> See “Unbalanced Juvenile Justice,” State Profiles, Burns Institute <http://data.burnsinstitute.org/about>

<sup>28</sup> See, e.g., Jerry Kang et al., “Implicit Bias in the Courtroom,” 59 *UCLA L. Rev.* 1124 (2012).

<sup>29</sup> “Cisgender” denotes a person whose sense of gender corresponds with the sex assigned at birth.

<sup>30</sup> Angela Irvine, Shannan Wilber, and Aisha Canfield, “Lesbian, Gay, Questioning, Gender Nonconforming, and Transgender Girls and Boys in the California Juvenile System: A Practice Guide,” Impact Justice and the National Center for Lesbian Rights, Oakland (2017).

<sup>31</sup> [http://www.ncai.org/policy-research-center/research-data/prc-publications/A\\_Spotlight\\_on\\_Native\\_LGBT.pdf](http://www.ncai.org/policy-research-center/research-data/prc-publications/A_Spotlight_on_Native_LGBT.pdf).

<sup>32</sup> Welf. & Inst. Code § 786. A clean-up bill in 2016 clarified that all juvenile records were to be sealed upon successful completion of probation. The prior version provided only for sealing of court records.

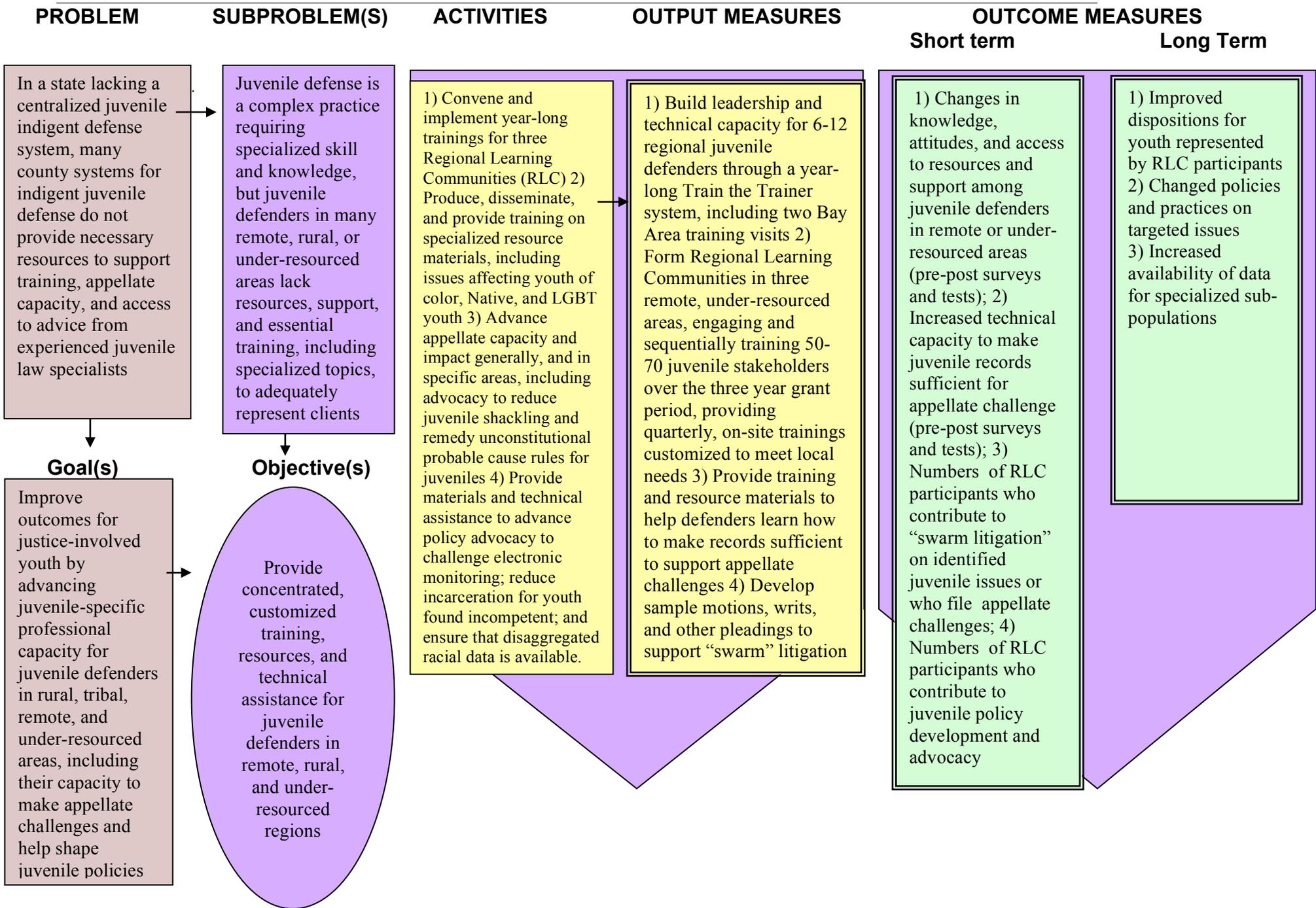
<sup>33</sup> See “The Tribal Equity Toolkit to Support Two Spirit & LGBT Justice in Indian Country,” a collaboration of the Native American Program of Legal Aid Services of Oregon, the Indigenous Ways of Knowing Program at Lewis & Clark College, Basic Rights Oregon, and the Western States Center (2013).

<b>Pacific Juvenile Defender Center, Juvenile Defender Resource Project</b>		
<b>Personnel</b>	<b>Item cost</b>	<b>Category totals</b>
		\$ -
<b>Fringe</b>		\$ -
Travel: 4 people, two nights, 2x year for three years		
Roundtrip, 500 miles, two vehicles @ \$.535/mile	\$ 3,210	
Hotel, 4 rooms, 2 nights, 2 times/yr, 3 years	\$ 7,200	
Per diem for 4 people, @ \$64/pp/day, 2 days, 2x/year	\$ 3,072	
	\$ 13,482	\$ 13,482
Travel: J-TAP Specialist Trainers (8 trainers/year)		
Roundtrip, 450 miles, one vehicle @ \$.535/mile	\$ 2,889	
Hotel, 2 rooms, 2 nights, 4x/year for three years	\$ 7,200	
Per diem @ \$64/pp/day, two people, 3 days, 4 time/year	\$ 4,608	
		\$ 14,697
Travel: J-TAP Training Attorney and Project Coordinator, 4 regional site visit/year		
Roundtrip, 450 miles, one vehicle @ \$.535/mile	\$ 2,889	
Hotel, 2 rooms, 2 nights, 4x/year for three years	\$ 7,200	
Per diem @ \$64/pp/day, two people, 3 days, 4 time/year	\$ 4,608	
		\$ 14,697
<b>Equipment</b>		
Two laptops and software for project staff, \$2,100 per unit,, 1 time cost	\$ 4,200	
Projector	\$ 600	

<b>Pacific Juvenile Defender Center, Juvenile Defender Resource Project</b>		
		\$ 4,800
Supplies		
Online webinar capacity @ \$40/month	\$ 1,440	
Westlaw for J-TAP Training Attorney and Program Coordinator	\$ 10,584	
Regional training materials, quarterly, \$400 per training	\$ 4,800	
Onsite training incidentals, semi-annually, \$200/training	\$ 1,800	
Handbooks/practice guides, design and print	\$ 6,000	
		\$ 24,624
Construction	\$ -	
		\$ -
Contracts		
Website upgrade: \$20K upgrade(year 1) and \$100/month maintenance for 30 months	\$ 23,000	
		\$ 23,000
J-TAP Training Attorney \$140K @ .4 FTE for three years, hired in month 2	\$ 163,310	
J-TAP Program Coordinator \$60K @ .6 FTE for three years, hired in month 2	\$ 105,000	
		\$ 268,310
Other	\$ -	
		\$ -
<b>Total Direct</b>		<b>\$ 363,610</b>
Indirect @ 10%		\$ 36,361
<b>Total project costs</b>		<b>\$ 399,971</b>

# LOGIC MODEL

## Pacific Juvenile Defender Center's *Juvenile Defender Resource Project*



**Pacific Juvenile Defender Center's Juvenile Defender Resource Project**

Project goal	Objective	Activity	Responsible Party	Year 1				Year 2				Year 3						
				QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4			
Launch		Hire J-TAP Training Attorney	PJDC Board	x														
		Hire J-TAP Project Coordinator	PJDC Board	x														
		Orient staff to PJDC, history and areas of work, and project	PJDC Board and Policy & Training Director		x	x												
		Develop initial operations: Develop decision-making policies, information-sharing protocols, establish work schedules, project-management system, identify and subscribe to video webinar platform	PJDC Policy & Training Director and J-TAP staff		x	x												
Goal 1: Cultivate Local Capacity and Coordination in Remote Regions	Identify, cultivate, and reinforce regional juvenile defense capacity in three remote regions across the state: Conduct RLC 1	RLC 1: Identify region for first RLC (likely to be Shasta and Butte)	J-TAP Training Attorney & Coordinator		x													
		RLC 1: Identify and begin work with key stakeholders, including initial self-assessment	J-TAP Training Attorney		x													
		RLC 1: Develop regional listserv	J-TAP Coordinator		x	x												
		For RLC 1, in response to self-assessment, identify curriculum topics and develop curriculum including appellate advocacy, NA youth and PREA	J-TAP Training Attorney		x	x												
		RLC 1: Conduct in-person trainings	J-TAP Attorney & Coord/JTIP trainers		x	x	x											
		RLC 1: Develop schedule for semi-annual Bay Area visits for Regional Training Ambassadors	J-TAP Coordinator		x													
		RLC 1: Implement semi-annual Bay Area visits for Regional Training Ambassadors	J-TAP Attorney & Coord/JTIP trainers		x		x											
		RLC 1: Conduct year-end assessment	J-TAP Training Attorney/Coordinator							x								
	Identify, cultivate, and reinforce regional juvenile defense capacity in three remote regions across the state: Conduct RLC21	RLC 2: Identify region	J-TAP Training Attorney & Coordinator					x										
		RLC 2: Identify and begin work with key stakeholders, including initial self-assessment	J-TAP Training Attorney						x									
		RLC 2: Develop regional listserv	J-TAP Coordinator						x									
		For RLC 2, in response to self-assessment, identify curriculum topics and develop curriculum including appellate advocacy, NA youth and PREA	J-TAP Training Attorney						x									
		RLC 2: Conduct in-person trainings	J-TAP Attorney & Coord/JTIP trainers						x	x	x	x						
		RLC 2: Develop schedule for semi-annual Bay Area visits for Regional Training Ambassadors	J-TAP Coordinator						x									
		RLC 2: Implement semi-annual Bay Area visits for Regional Training Ambassadors	J-TAP Attorney & Coord/JTIP trainers							x			x					
		RLC 2: Conduct year-end assessment	J-TAP Training Attorney/Coordinator												x			
	Identify, cultivate, and reinforce regional juvenile defense capacity in three remote regions across the state: Conduct RLC 2	RLC 3: Identify region	J-TAP Training Attorney & Coordinator										x					
		RLC 3: Identify and begin work with key stakeholders, including initial self-assessment	J-TAP Training Attorney											x				
		RLC 3: Develop regional listserv	J-TAP Coordinator											x				
		For RLC 3, in response to self-assessment, identify curriculum topics and develop curriculum including appellate advocacy, NA youth and PREA	J-TAP Training Attorney											x				
		RLC 3: Conduct in-person trainings	J-TAP Attorney & Coord/JTIP trainers											x	x	x	x	
		RLC 3: Develop schedule for semi-annual Bay Area visits for Regional Training Ambassadors	J-TAP Coordinator											x				
		RLC 3: Implement semi-annual Bay Area visits for Regional Training Ambassadors	J-TAP Attorney & Coord/JTIP trainers												x		x	
		RLC 3: Conduct year-end assessment	J-TAP Training Attorney/Coordinator															x

**Pacific Juvenile Defender Center's Juvenile Defender Resource Project**

Project goal	Objective	Activity	Responsible Party	Year 1				Year 2				Year 3						
				QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4			
Goals 2 & 3: Develop Resource Materials (practice toolkits and web-based resources) Addressing Regional and Specialized Issues	Identify, develop, and upload training and resource materials to advance collective capacity and address specialized areas of juvenile defense	Develop or aggregate resource materials related to specialized topics, including PREA, Raising Race, Native youth, LGBTQ/GNCT/TS	J-TAP Training Attorney & Coordinator	x	x	x												
		Identify and hire web designer to upgrade website, implement upgrade	J-TAP Coordinator		x	x	x											
		Update Collateral Consequences of Juvenile Delinquency Proceedings Handbook	J-TAP Training Attorney & Coord. with PJDC Board		x	x	x											
		Develop a Post-Disposition Manual	J-TAP Training Attorney & Coord. with PJDC Board					x	x	x	x							
		Develop a Sealing and Post-Wardship Advocacy Toolkit	J-TAP Training Attorney & Coord. with PJDC Board									x	x	x				
Goal 4: Advance Appellate Capacity and Impact	Work with practitioners to increase their engagement in appellate challenges	Train RLC and J-TAP ambassadors and other stakeholders on appellate advocacy	J-TAP Training Attorney with PJDC Board		x	x	x	x	x	x	x	x	x	x	x	x	x	
		Identify counties for probable cause challenges	J-TAP Training Attorney/ Policy & Training Director															
	Organize and train stakeholders to undertake swarm litigation on two issues	Identify counties for shackling challenges	J-TAP Training Attorney/ Policy & Training Director															
		Develop litigation strategy with local jurisdictions	J-TAP Training Attorney/ Policy & Training Director															
		Roll out litigation strategy with selected countiess	Attorney/Policy & Training Director															
Goal 5: Conduct Policy Advocacy	Through training, education, amicus briefs, and policy recommendations, decrease incarceration and increase diversion for youth found incompetent	Provide training to RLCs on competency related issues	J-TAP Training Attorney with PJDC Board					x	x	x	x	x	x	x	x	x	x	
		Identify amicus opporutnities on competency-related issues and contribute amicus briefs on those cases.	J-TAP Training Attorney with PJDC Board							x	x	x	x	x	x	x	x	
		Work on policy recommendations with juvenile justice stakeholders regarding competency and remediation	J-TAP Training Attorney with PJDC Board															
	Provide county-specific advocacy, support statewide legislation, and undertake appellate litigation to challenge terms of probation	Identify counties to conduct specific advocacy on challenging electronic monitoring and other terms of probation	J-TAP Training Attorney with PJDC Board	x	x	x	x											
		Identify opportunities to conduct appellate challenges to electronic monitoring and terms of probation	J-TAP Training Attorney with PJDC Board					x	x	x	x							
		Identify opportunities to work with staholders on policy efforts concerning electronic monitoring and terms of probation	J-TAP Training Attorney with PJDC Board									x	x	x	x			
	Advance policy and rulemaking to assure that race data are disaggregated and that race/ethnicity is reflected in data throughout the juvenile	Identify opportunities to work with stakeholders to assure disaggregation of race data in their counties Work with RLCs on raising the importance of race/ethnicity and LGBTQ/GNC data in their respective counties	J-TAP Training Attorney with PJDC Board		x	x	x	x	x	x	x	x	x	x	x	x	x	x
			J-TAP Training Attorney & Coordinator		x	x	x	x	x	x	x	x	x	x	x	x	x	x