

Innovation Brief

Professional Development for Key Decision Makers in Juvenile Court:

Strengthening the Juvenile-Specific Knowledge and Capabilities of Prosecutors, Defenders, and Judges

When Louisiana began to address long-standing problems in its juvenile justice system, leaders of the reform movement recognized that engaging key juvenile court decision makers—prosecutors, defense attorneys, and judges—needed to be a high priority. These law-trained professionals rarely had in-depth knowledge about adolescent development or about best practices for addressing youths’ issues and needs through research supported community-based resources. However, they are central figures in the day-to-day operations of the system. Developing their knowledge about key issues and effective practices would be critically important for the success of the juvenile justice reform initiative.

To foster professional development for judges and attorneys working in juvenile courts, Louisiana Models for Change worked collaboratively with key organizations and associations—the Louisiana Public Defender Board, the Louisiana District Attorneys Association, the Louisiana District Judges Association, and the Louisiana Council of Juvenile and Family Court Judges—on several key initiatives. These efforts included conducting conferences on key topics such as adolescent brain development, use of risk screening and assessment tools, and evidence-based treatment programs; drafting educational curricula and training manuals; preparing guidelines for prosecutors on use of diversion; establishing performance standards for defense attorneys handling delinquency cases; and developing a bench book for judges. The results have been promising: a continued trend away from use of secure detention and commitment, greatly expanded use of diversion and of community-based treatment programs, and broad recognition of the need for professionals working in juvenile court to have specialized knowledge about the issues encountered in working with youths.

The Issue

Everyone involved in or affected by decisions made in juvenile court—youths charged with delinquency, their families, victims, and the public—deserves to have decisions at all stages of a case made by well-trained and highly competent professionals. Judges, prosecutors, and defense attorneys who work in juvenile court should be familiar with the goals of juvenile court, the legal framework within which the court functions, the growing body of knowledge about adolescent development, and best practices for working with juveniles in trouble with the law.

All too often, however, professionals handling juvenile cases have had little or no training focused explicitly on the unique purposes and characteristics of juvenile court or on the emerging knowledge about adolescent development and effective responses to youths who come into contact with the system. In Louisiana, the result for many years was over-incarceration of youths in state-run facilities that were unable to respond to the actual risks and needs posed by the youths. These facilities could seldom provide the services needed to address problems stemming from dysfunctional family situations, substance abuse, and mental illness, and there were few high quality community-based services or programs available to effectively help youths and their families cope with such problems.

In the late 1990s, Louisiana began working to reduce the population of juveniles in secure custody, moving toward development of a system that made much more extensive use of community resources. In 2001, the State Legislature created the *Louisiana Juvenile Justice Commission (JJC)* with a mandate to “recommend meaningful improvements in juvenile justice at all levels of state government and public involvement.” A 2003 report by the JJC Advisory Board recommended that the juvenile justice system be restructured to enable expanded development of community-based intervention; greater use of diversion from prosecution in court; improvement of the legal process as it impacts children and families; and improved financing for juvenile indigent defense.

By 2005, considerable progress had been made: the population in state-run secure institutions had been reduced from over 1,600 to less than 500 and a start had been made in developing community-based diversion and prevention programs. However, to meaningfully implement the reforms contemplated by JJC, the practitioners responsible for day-to-day decision making in juvenile courts throughout the state would have to become familiar with not only the recommendations in the report but also with practical ways of implementing them. Juvenile-specific professional development would be essential.

Innovations

With support from *Models for Change*, leaders in the three key components of the juvenile court adjudication process—judges, defense attorneys, and prosecutors—undertook a series of major initiatives, both as separate disciplines and as a collaborative system, aimed at strengthening the knowledge and capabilities of practitioners on the front lines of decision making in juvenile court.

Upgrading defender capabilities. From the outset of the *Models for Change* initiative, improving juvenile indigent defense has been a high priority area for improvement. In Louisiana, the need to upgrade indigent defense services was palpable even before the start of the *Models for Change* initiative in late 2005. A series of studies documented serious problems: an indigent defense system fragmented among 41 local districts; inadequate funding; lack of independence from political interference; low salaries for defenders on local public defender staffs; private attorneys working part-time on a contract basis; lack of training and other support for juvenile indigent defense; and no computer or clerical assistance.

A very high percentage of youths (over 90% in some parishes) were waiving the right to counsel when facing delinquency charges, often without ever speaking to a lawyer. There was an overall lack of leadership to implement changes and the prevailing culture within the legal system minimized the value of juvenile defense

practice. Many of the attorneys in charge of district defender offices regarded juvenile court as simply a training ground for adult indigent defense. Major changes were needed.

- **Establishing an infrastructure for effective indigent defense.** With pressure to reform the system mounting, the Legislature in 2007 passed the Public Defender Act, creating a new entity—the Louisiana Public Defender Board (LPDB)—charged with establishing a centrally organized public defender system. The Act provided for state funding of the public defender system and gave the LPDB substantial regulatory power including authority to establish qualifications for defender positions, set standards for performance, and monitor and evaluate defender performance. The LPDB leadership quickly moved to develop its capacity to provide meaningful oversight and support for all aspects of defenders’ work, including juvenile indigent defense. In 2010, the LPDB formed a Juvenile Defender Advisory Council (JDAC), a ten-member group composed of juvenile public defenders from offices throughout the state. JDAC has played an active role in the development of performance standards for defenders, supporting juvenile-centered regional training programs for defenders, and contributing a newly-established juvenile defender listserv. Together, the Public Defender Board and the Juvenile Defender Advisory Council formed the core of an improved infrastructure for juvenile indigent defense, strengthening the capacity to carry out other initiatives to upgrade juvenile defender capabilities.

- **Performance standards for juvenile indigent defense.** As a key part of its participation in the eight-state Juvenile Indigent Defender Action Network (JIDAN), a team from Louisiana worked on development of a set of *Trial Court Performance Standards for Attorneys Representing Juveniles in Delinquency Proceedings*. The team consisted of practicing juvenile defenders, law professors specializing in juvenile justice issues, and a juvenile judge, and included two members of the Louisiana Public Defender

Board. The LPDB approved the standards in 2011. The standards, which draw heavily on the guidelines developed in conjunction with other state teams, are comprehensive. They set expectations for what public defenders and appointed counsel are expected to do in representing youths charged with delinquency at every stage of the proceedings from the inception of the case through to post-adjudication representation. They also provide a solid foundation for training juvenile defenders and for monitoring and evaluating attorney performance.

- **Juvenile-specific training for defenders.** Juvenile-specific training has been a high priority area for improvement, and having the performance standards has provided a sound framework for conducting training programs. The LPDB and its Juvenile Defender Advisory Council have sponsored a number of local and regional training programs, and have conducted an annual three-day training conference focused explicitly on juvenile defense issues and practices. The training programs have covered key topics such as adolescent brain development, competency of youths to participate in court proceedings, risk screening and assessment, mental health and substance abuse treatment options, evidence-based practices, and litigation strategies and tactics.

- **The LSU Law School’s Juvenile Defense Clinic.** Founded initially in 2004 as a Juvenile Representation Workshop course at the Louisiana State University Law Center, the course became a full clinic in 2009 with support from a *Models for Change* grant. The Clinic provides third year law students with intensive instruction in the substantive law, procedures, and concepts needed to defend youth in delinquency proceedings, as well as exploration of the policy issues involved in juvenile justice reform. The students also engage in actual representation of juveniles charge with delinquency, with close supervision by clinic faculty. They gain experience in client interviewing and counseling, factual investigation, motions practice, plea negotiation, and trial advocacy. The results have already been highly positive: the clinic has produced a number of practice-ready advocates for improved

juvenile justice who are working in public defender offices and child advocacy organizations in Louisiana.

Educating prosecutors about key issues in juvenile justice. Prosecutors have a key role in juvenile justice. Often viewed as the gatekeeper to the formal juvenile justice system, they review police reports and referrals, make front-end decisions about whether to charge a youth with specific offenses, consider possible transfer of cases to the adult criminal court, and decide about possible diversion of cases. For cases that go on to formal proceedings in juvenile court, prosecutors make recommendations about detention, conduct plea negotiations, prepare cases for trial, and formulate recommendations about disposition of the case if there is an adjudication of delinquency. The Louisiana District Attorneys Association (LDAA) established a 14-member Juvenile Justice Task Force that includes both elected District Attorneys and Assistant District Attorneys, to guide the work of the LDAA on juvenile issues. The Task Force has played a key role in developing LDAA positions on juvenile justice reform, and supporting training programs for prosecutors and encouraging use of pre-adjudication diversion in appropriate cases.

- **Training on adolescent development and best practices.** The LDAA has been an active participant in training programs sponsored by Louisiana *Models for Change*, and has also conducted a number of training sessions focused on juvenile-specific topic areas. The training, for both new and veteran prosecutors, has covered topics such as adolescent brain development research and the implications of that research for prosecutorial decision making in juvenile cases, risk screening and assessment, and evidence-based treatment programs and practices.

- **Diversion and use of graduated sanctions.** With support from a *Models for Change* grant, the LDAA reviewed existing diversion programs and community based graduated sanction initiatives locally and nationally. Taking the lessons learned, the LDAA educated district attorneys and other affiliated professionals on

best practices in diversion and graduated sanctions. Transferring this knowledge to a more sustainable and tangible reference for prosecutors, the LDAA developed and published guidelines designed to expand the availability and use of post arrest, pre-adjudication alternatives to formal processing.

Juvenile-specific education for judges. Louisiana has statutorily-established juvenile courts in four urban parishes (Caddo, East Baton Rouge, Jefferson, and Orleans). In the rest of the state, delinquency matters cases are handled in district courts or in parish or city courts. In a few multi-judge courts, judges are assigned to handle juvenile matters for a period of time that may range from a few months to as long as three years. In most courts, however, the judges handle juvenile matters along with an array of many other types of civil, criminal, and family law matters. They may have juvenile cases as seldom as one day a week or even one day a month. One result of this fragmented system is that it greatly complicates the task of educating judges about emerging knowledge relevant to effective decision making in juvenile cases.

To help develop Louisiana judges' knowledge about key issues and best practices for handling juvenile matters, Louisiana *Models for Change* partnered with the state's two leading associations of judges—the Louisiana District Judges Association (LDJA) and the Louisiana Council of Juvenile and Family Court Judges (LCJFCJ). Between them, the two associations include virtually all of the judges who have juvenile jurisdiction. Both associations have been the primary sponsors of professional development for judges who preside over juvenile courts.

- **Survey data.** In 2010, the LDJA undertook a survey of its members to learn what they perceived as their needs with respect to judicial education. Two key findings emerged from the survey: First, the judges were emphatic about their preference for in-person education, as opposed to video presentations, webinars, and other online education modalities. Second, they were very interested in learning about key topics relevant to modern juvenile justice such as evidence

based programs, treatment for mental health and substance abuse problems, and use of community-based resources.

- **Strategic planning for juvenile-specific judicial education.** In 2011, the LDJA and the LCJFCJ created a joint Juvenile Justice Strategic Planning Committee that focused explicitly on developing the juvenile-specific knowledge and capabilities of judges who handle juvenile cases. The committee identified sets of core competencies and learning objectives that could be the basis of a long-term approach to continuing education for judges who would be handling juvenile cases, whether they would do so on a regular basis or only sporadically.
- **Bench book.** A committee of judges, familiar with juvenile court practice, developed a *Juvenile Court Best Practices Bench Book*, to help guide all aspects of judicial work in juvenile court. The bench book, published in Spring 2011, covers a wide range of topics, and includes material on youths' right to counsel, diversion, and use of risk assessment instruments to help guide decisions about detention and placement. It is a valuable resource for any Louisiana judge who presides over a juvenile court proceeding.
- **Model curricula on key topics.** With MfC supported consultation, the committee developed session plans that could be used as the basis for judge-led workshops in two of the key topic areas identified through the strategic planning process: (1) how to use risk screening, assessments, and interventions effectively in delinquency cases; and (2) understanding adolescent development. The session plans, with detailed instructions for faculty and accompanying teaching materials, are designed to provide judges who serve as faculty at judicial conferences the means to convey key concepts and essential information in an interactive style applying adult learning principles. The sessions are configured in a two-hour format, recognizing the best time to get judges' attention for such sessions is at judicial conferences.

A train-the-trainer workshop. In October 2012, the LDJA/LCJFCJ Strategic Planning Committee sponsored a two day "train-the-trainer" program that brought together eighteen judges from across the state who were invested in judicial education focused on juvenile justice issues. The program provided opportunity for participants to learn about effective adult education techniques, strategize as how to move forward with improved juvenile-specific education for judges, build on the work done to identify core competencies, grasp learning objectives, and co-develop session plans on key topics.

Results

Juvenile-specific professional development efforts have had striking results in Louisiana:

- Prosecutors, defense attorneys and judges have become conscious of the need for juvenile justice reform that takes account of the developmental differences between youths and adults, emphasizes development of alternatives to formal case processing, stresses the use of community-based services for youth, and promotes the use of evidence based programs.
- The levels of knowledge and competency of practitioners in all three components of the juvenile court process have been raised markedly. A succession of education and training programs has helped to develop their knowledge about adolescent development and their ability to make sound decisions about risks and needs. With better information and much improved knowledge about youths' risks and needs, practitioners can make far better decisions about effective interventions.
- Continuing education on juvenile justice issues has become a far higher priority for judges, prosecutors, and defenders than it had been in earlier years. A cadre of practitioners in each discipline, capable of serving effectively as faculty in seminars and workshops, has been developed. These practitioners are able to deliver strikingly similar key messages regarding youth development and the effective approaches in responding to delinquent behavior and enhancing outcomes.

Lessons

Perhaps the main lesson learned from the professional development work is that professional associations and their leaders are potentially very valuable allies in juvenile justice reform efforts. In Louisiana, the leaders of key organizations and associations—the Louisiana Public Defenders Board and its Juvenile Defender Advisory Council, the Louisiana District Attorneys Association, and the Louisiana Council of Juvenile and Family Court Judges—have had key roles in catalyzing professional development activities focused on strengthening the juvenile-specific knowledge and capabilities of their members. They have built a foundation for on-going education and training on juvenile justice issues and practices, including a capacity for cross-training for members of the different groups. The professional associations can provide forums for instruction and discussion on key topics, can provide knowledgeable peers and outside experts as faculty at conferences and workshops, and can disseminate knowledge and information through newsletters and online communications.

The Broader Impact

The purposeful engagement of the professional associations and their leaders has helped to generate broad support for comprehensive reforms in the overall juvenile justice system. Through interdisciplinary conferences as well as meetings of the specific stakeholder groups, judges, prosecutors, and defenders have become increasingly aware of the needs of youth who become enmeshed in the juvenile justice system and of the emerging knowledge about effective responses to delinquent behavior. The breadth and quality of juvenile-specific education and training has increased substantially. The key decision makers in juvenile courts across Louisiana are now much better equipped to understand adolescent development, the desirability of avoiding unnecessary penetration of youths into the formal juvenile system, the effective use of evidence-based practices, and ways to provide effective treatment services in the community. And, at the state leadership level, there is significantly greater appreciation

of the importance of taking a systems approach to improving the quality of juvenile justice, improving outcomes for youths who come into the system, and protecting public safety.

Resources

All resources available through the **Institute for Public Health & Justice** (phone (504) 568-5953; Website- <http://publichealth.lsuhsu.edu/iphj/>)

- Juvenile Defender Training Manual
- Juvenile Defender Performance Standards
- LDAA Prosecutor Training Series (recorded)
- LDAA Juvenile Diversion Toolkit
- Core Competencies for Juvenile-Specific Judicial Education
- Juvenile Court Best Practices Bench Book
- Model Curricula for Judges- Understanding Adolescent Development
- Model Curricula for Judges- Using Risk Screening, Assessments, and Interventions Effectively in Delinquency Cases

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This brief is one in a series describing new knowledge and innovations emerging from *Models for Change*, a multi-state juvenile justice reform initiative. *Models for Change* is accelerating movement toward a more effective, fair, and developmentally sound juvenile justice system by creating replicable models that protect community safety, use resources wisely, and improve outcomes for youths. The briefs are intended to inform professionals in juvenile justice and related fields, and to contribute to a new national wave of juvenile justice reform.