

Defense Perspective

Three Areas of Questioning



The Agent

- ▶ Experience
- ▶ Credibility
- ▶ Training
- ▶ Bias

Report (Part I)

- ▶ Basis of report
 - ▶ Documents
 - ▶ Petition, police reports of current offense, statements
 - ▶ Prior delinquency history, police reports
 - ▶ Probation records (reports, violations, PDR's)
 - ▶ Testing/Evaluations (IEP, Psychological, Chemical Dependency)
 - ▶ Therapeutic Records
 - ▶ School Records
 - ▶ Placement progress reports, discharge summaries
 - ▶ Interviews
 - ▶ Collateral Contacts



Report (Part II)

- ▶ Public Safety Factors
 - ▶ Severity of Offense/Culpability
 - ▶ Know offense facts well, may be questioned on mitigating/aggravating factors
 - ▶ Prior Record of Delinquency
 - ▶ Property vs. Person
 - ▶ Timing of priors
 - ▶ Escalation of behaviors
 - ▶ Events that may correlate with offenses
 - ▶ Programming History
 - ▶ Long vs. Short
 - ▶ Type of Programming

Report (Part II) Continued

- ▶ Adequacy of Punishment/Programming in Juvenile & Dispo Options Available
 - ▶ Timing is huge
 - ▶ Child's performance in placement, school, treatment
 - ▶ Performance on probation
 - ▶ Programs not attempted (different length, type)
 - ▶ Red Wing

Adolescent Brain Development

- ▶ Five Supreme Court Cases have been handed down by the USSC in the last 15 years:
 - ▶ Roper v. Simmons (2005)
 - ▶ Graham v. Florida (2010)
 - ▶ JDB v. North Carolina (2011)
 - ▶ Miller v. Alabama (2012)
 - ▶ Montgomery v. Alabama (2016)



Main ideas from those cases

- ▶ Kids are immature & reckless, more susceptible to peer pressure, developing & transient by nature
- ▶ Youth don't recognize decisions that can be detrimental to them
- ▶ Children are constitutionally different in their level of culpability

- ▶ Visit: <http://campaignforyouthjustice.org>