

REMARKS

OF

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OFFICE OF JUSTICE PROGRAMS

AT THE

JUVENILE RIGHT TO COUNSEL  
MEETING

ON

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WASHINGTON, DC

Thank you, Maha [Jweied]. It's a pleasure to welcome everyone to the Office of Justice Programs. I want to thank Maha, the Office for Access to Justice and OJP's own Bureau of Justice Assistance – especially Priya Sarathy-Jones. They've worked hard to make this gathering possible, and we have a great program to show for it.

I also want to thank our speakers, both from across the Department of Justice and from outside the agency. We have an outstanding line-up of presenters. And finally, my thanks to all the juvenile defenders and professionals who have joined us from across the country, not only for being here today, but for the important work you do every day.

As Maha mentioned, today we're commemorating a major milestone in equal justice – indeed, we're celebrating a watershed moment in the history of American jurisprudence. Fifty years ago, the U.S. Supreme Court handed down a decision that would fundamentally reshape, for the better, the landscape of our juvenile justice system.

Three years earlier, 15-year-old Jerry Gault had been accused by a neighbor of making an obscene phone call. He and a friend were arrested and taken to a detention home. His parents were not notified. In fact, they didn't see the petition until two months later, well after his initial court hearing.

He was never allowed to confront his accuser because she didn't attend any of the hearings. No witnesses were sworn in at those hearings. No transcripts or records were kept. And there were conflicting accounts about any admissions of guilt. Nevertheless, the judge sentenced him to six years in prison – mind you, for a crime that would have earned an adult convicted of the same offense a maximum \$50 fine and two months in jail.

In its landmark decision on the case, the Supreme Court noted that, had Jerry Gault been 18 at the time of his arrest, he would have been afforded the proper procedural safeguards guaranteed to adults. In other words, because he was a minor – and for that reason alone – the lower court determined that he was not entitled to protection under the 14<sup>th</sup> amendment.

*In re Gault* held that young people in juvenile court proceedings have an unassailable right to counsel. As Justice Abe Fortas wrote in his opinion, “it would be extraordinary if our Constitution did not require the procedural regularity and the exercise of care implied in the phrase ‘due process.’”

The standard set by the court for juvenile defendants is one we now take for granted. Due process and equal protection are now *sine qua non* in juvenile proceedings. And juvenile defenders are doing heroic work representing kids in the system. But we still have work to do to ensure that our justice system treats young people fairly and holds them accountable for wrongdoing while leaving open the chance to be rehabilitated.

The Department of Justice and my office remain committed to these principles. As our Attorney General has made clear, public safety is job number one. We've failed

in our work – all of us – if our actions don't lead to safer communities. But focusing on less crime does not require anything less than the fairness that our adversarial system is designed to provide.

Attorney General Sessions said recently that the integrity and effectiveness of our system of justice rests, among other things, on our courts, which, “ensure that our rights are protected, that defendants receive a fair trial, and that cases are decided by the facts and the law.” Our Constitutional guarantees of due process need to be protected, and competent counsel help us realize these fundamental aims of the court system.

The Office of Justice Programs is especially – and quite literally – invested in realizing these goals. One Bureau of Justice Assistance defense-related program is bringing together researchers and practitioners to test effective defense strategies in the criminal justice system, and its Gideon's Call program is providing training to public defenders and funding designed to improve caseload management, again in the adult system.

Meanwhile, our Office of Juvenile Justice and Delinquency Prevention is devoting substantial resources to strengthening the juvenile defense system. The Smart on Juvenile Justice Initiative is providing funding and support to improve access to high-quality juvenile defense. Four states – Delaware, Indiana, Kentucky and Washington – received grants to move toward statewide juvenile defense reform. Delaware and Indiana were awarded additional funds this year to implement their plans.

OJP has also funded two regional juvenile justice resource centers – a mid-Atlantic center and a southwest center. These centers are collecting data, training advocates, conducting state assessments and providing other critical juvenile defense resources in their regions. The National Juvenile Defender Center is our training and technical assistance provider, and I think Mary Ann [Scali] will tell us a little more about their work later. OJJDP received an additional \$2 million in the recent budget bill to continue this program. I'm looking forward to seeing where this next phase takes us.

Our work to ensure the right to counsel remains a priority for the Office of Justice Programs. We believe that all young people should have access to highly-qualified, well-resourced representation at every stage of juvenile justice proceedings. The fairness of the system, the future of those who come into contact with it and the safety of our communities all depend on it.

The work you are doing in the juvenile defense community is vital. It serves as a bulwark against encroachment on the rights of citizens. And it is indispensable to maintaining our collective faith in the rule of law. We are grateful for all you do. We are proud to support you. And we look forward to continuing our partnership in the months ahead.

Thank you.

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