National Juvenile Justice Prosecution Center

Juvenile Prosecution Policy Positions and Guidelines[1]

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[Contains Provisions of the National District Attorneys Association's National Prosecution Standards Addressing Juvenile Justice and Related Issues]

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INTRODUCTION/BACKGROUND

Since juvenile court was first established in the late 1800s, the juvenile justice system has had an ever-changing, pendulum swing response to delinquent behavior. The early *parens patriae* approach to intervention with young offenders focused on rehabilitation, had little structure and offered very few procedural rights to juveniles. This well-intentioned approach gradually evolved into a harsher, more detention-oriented system that in some instances resulted in physical and emotional abuse of incarcerated youth. In response to these problems, the United States Supreme Court handed down a series of decisions[2] addressing the constitutional rights of court-involved youth. These decisions became the foundation for a formal and adversarial juvenile court system that is similar, in some respects, to its criminal court counterpart.

With constitutional rights in place, the early courts made use of the "best interests of the child" theory to guide decision-making. While this theory is similarly well intentioned, the "best interests of the child" concept is difficult to define and fails to take into account the needs of communities or crime victims.

A more complete model for juvenile justice was developed in the 1990s. The Balanced and Restorative Justice (BARJ) approach directs juvenile court systems to give balanced consideration to three goals: community safety, offender accountability, and competency development in offenders. Offender accountability focuses on accountability both to the community and to the crime victim. Competency development typically involves delivering restorative, skill-building services to youthful offenders to equip them to live safely and crime-free in their communities.

Balanced consideration of these three goals as a philosophical model for working with court-involved youth resonated with juvenile justice professionals throughout the court system. Many states adopted the BARJ model or similar restorative language into the purpose clauses of their juvenile codes or other policy documents.[3] In the Juvenile Delinquency Guidelines book produced by The National Council of Juvenile and Family Court Judges (NCJFCJ), NCJFCJ embraced enhancing community safety, holding offenders accountable to their victims and communities, and advancing responsible living skills in offenders as "goals of a juvenile delinquency court of excellence."[4] Likewise, the National District Attorneys

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[2] Kent v. U.S., 383 U.S. 541 (1966); In Re Gault, 387 U.S. 1 (1967); Fare v. Michael C., 442 U.S. 707 (1979). These cases provide for meaningful waiver and transfer hearings, procedural due process rights and competence to waive Miranda, respectively.

[3] *See generally* Sandra Pavelka O'Brien, Ph.D. *Restorative Juvenile Justice in the States: A National Assessment of Policy Development and Implementation* BALANCED AND RESTORATIVE JUSTICE MONOGRAPH, Oct. 2000, ncjrs.gov/pdffiles1/Digitization/197629NCJRS.pdf (unpublished).

[4] *Juvenile Delinquency Guidelines; Improving Court Practice in Juvenile Delinquency Cases* National Council of Juvenile and Family Court Judges, Spring 2005, at 22.

Association (NDAA) incorporated similar language in the sentencing section of the 2002 update to their policy positions manual.[5]

Prosecutors are encouraged to adopt this balanced approach as a philosophical model to guide the juvenile court system in their jurisdictions. These goals offer a comprehensive, articulable approach to juvenile justice. Additionally, established principles that guide decision-making are essential to fairness, efficiency and assessment. As discussed in *Bringing Balance to Juvenile Justice,* a Special Topic bulletin from the American Prosecutors Research Institute:

> "Clearly defined values and principles can:
> - Guide decision-making by prosecutors and other system participants;
> - Enhance consistency and fairness in the system;
> - Be readily measured;
> - Inform communities about system successes; and
> - Help prosecutors explain how they exercise their considerable discretionary powers."[6]

These three overarching goals of the balanced approach speak to every aspect of delinquency, punishment, treatment and prevention.[7] Even if a jurisdiction has best interest of the child language in its purpose clause, "These three principles, fully implemented create a juvenile justice system that truly operates in the best interest of the child and the community."[8] Although these principles emerged in the 1990s, they fully support the current juvenile justice system that is refocusing on adolescent development, trauma-informed care, diversion and community-based supervision.

Given the limits placed upon the length of time that the court has jurisdiction over a youth adjudicated in juvenile court, issues surrounding adolescent brain development, and the importance of continued educational needs of youth involved in the juvenile or criminal justice systems, it is also important for prosecutors to seek to resolve juvenile prosecutions as quickly as possible, without compromising due process, fairness, and thoroughness.

PURPOSE

These policy positions were developed to strengthen and support the work of juvenile prosecution. While every state has its own juvenile code, this position paper

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[5] NATIONAL DISTRICT ATTORNEYS ASSOCIATION, NDAA RESOURCE MANUAL AND POLICY POSITIONS ON JUVENILE CRIME ISSUES 13-14. "The best interest of the child concept, as practiced, is not working. Balancing community protection, offender accountability and competency development in offenders is the recommended philosophical approach to juvenile justice." Id. at 14.

[6] Caren Harp, *Bringing Balance to Juvenile Justice*, APRI SPECIAL TOPIC SERIES BULLETIN, November 2002 (citing Caren Harp and John Delaney, 5 IN Re, no. 1, 2002).

[7] Id.

[8] Id. at 1.

can be used as a guidepost in developing local policies guidelines. Recognizing juvenile prosecution as a specialized practice not only helps prosecutors but also elevates the practice of juvenile law. This can and will result in better outcomes for our youth and our communities.

GOALS OF PROSECUTION

- **Policy:** The primary duty of a prosecutor is to seek justice. [9]

- **Policy:** Prosecutors have a duty to give effect to the purpose clause of the juvenile code in their jurisdictions. [10]

- **Policy:** Prosecutors are encouraged to adopt balanced consideration of community safety, offenders' accountability to victims and communities, and competency development in offenders, or similar articulable guidelines, as a philosophical approach to juvenile prosecution.[11]

- **Policy:** Prosecutors should seek to resolve juvenile prosecutions as quickly as possible, without compromising due process, fairness, and thoroughness.

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[9] NDAA NATIONAL PROSECUTION STANDARDS §4-11.1 (NAT'L DIST. ATT'YS ASS'N, Third Edition, 2009) (hereinafter NATIONAL PROSECUTION STANDARDS).

> "To the extent possible, a prosecutor should appear at all hearings concerning a juvenile accused of an act that would constitute a crime if he or she were an adult. The primary duty of the prosecutor is to seek justice while fully and faithfully representing the interests of the state. While the safety and welfare of the community, including the victim, is their primary concern, prosecutors should consider the special circumstances and rehabilitative potential of the juvenile to the extent they can do so without unduly compromising their primary concern. Formal charging documents for all cases referred to juvenile or adult court should be prepared or reviewed by a prosecutor." Id.

See also, NATIONAL PROSECUTION STANDARDS §1-1.1.

> "The prosecutor is an independent administrator of justice. The primary responsibility of a prosecutor is to seek justice, which can only be achieved by the representation and presentation of the truth. This responsibility includes, but is not limited to, ensuring that the guilty are held accountable, that the innocent are protected from unwarranted harm, and that the rights of all participants, particularly victims of crime, are respected." Id.

MODEL RULES OF PROFESSIONAL CONDUCT, (Am. Bar Ass'n 2013) § 3.8 Special Responsibilities of a Prosecutor Comment [1] states:

> "A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice, that guilt is decided upon the basis of sufficient evidence and that special precautions are taken to prevent and to rectify the conviction of innocent persons." Id.

[10] New York City Law Department: Family Court Division, *Ethics for Prosecutor of Juvenile Delinquency Cases: Attorney Orientation Program 2012* "Juvenile prosecutors have an additional responsibility to promote the purpose of the Family Court Act, by focusing on the 'needs and best interests of the respondent as well as the need for protection of the community.' Family Court Act Section 301.1.

[11] *See generally* NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, JUVENILE DELINQUENCY GUIDELINES (2005); NAT'L DIST. ATTORNEYS ASS'N, *supra* note 5.

Commentary

Support for these policies is found in the Background Section of this Policy manual, in the ABA Model Rules of Professional Conduct, and the NDAA Policy Positions Manual.

ORGANIZATIONAL PRIORITIES

- **Policy:** Elected prosecutors are encouraged to make juvenile court a priority in their offices.[12]

- **Policy:** Juvenile court should be staffed with prosecutors who desire to work in that court; who desire to intervene effectively in the lives of youth and deter them from future criminal conduct.[13]

- **Policy:** Office assignments should provide for stability of prosecutors assigned to juvenile court and minimize turnover.[14]

- **Policy:** Prosecutors in juvenile court should receive ongoing specialized training and professional development.[15]

Commentary

Historically, juvenile court was often used as a training ground for newly hired assistants. Many elected prosecutors believed that lawyers assigned to juvenile court were exposed to a wide variety of low-level offenses in a venue where any mistakes made were relatively inconsequential. Frequently, less experienced assistants were assigned to juvenile court and juvenile court assignments were made for short term duration.

Perceiving the juvenile courts and juvenile crime as insignificant is not only completely inaccurate, but also provides a disservice to all involved in the system. While the National Center for Juvenile Justice (NCJJ) reports an overall decline in

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[12] NAT'L DIST. ATT'YS ASS'N, *supra* note 5. p 4-5. *See also*, NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-11.2 ("The prosecutor's office should devote specific personnel and resources to fulfill its responsibilities with respect to juvenile delinquency proceedings, and all prosecutors' offices should have an identified juvenile unit or attorney responsible for representing the state in juvenile matters. For smaller and/or rural jurisdictions, it may be appropriate to combine resources when possible to do so.") Id.

[13] NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-11.3.

> "Specialized training and experience should be required for prosecutors assigned to juvenile delinquency cases. Chief prosecutors should select prosecutors for juvenile court on the basis of their skill and competence, including knowledge of juvenile law, interest in children and youth, education, and experience. Entry-level attorneys in the juvenile unit should be as qualified as any entry-level attorney, and receive special, ongoing training regarding juvenile matters, including adolescent development." Id.

[14] Id. *See also*, NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-11.2.

[15] NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-11.3.

juvenile delinquency cases from 1997 through 2013(44%),[16] it also reports that in 2013, juvenile courts in the United States handled more than 1 million delinquency cases."[17] More than 278,000 were person crimes including, 900 homicides, 7,500 rapes, 22,000 robberies, 26,900 aggravated assaults, 186,400 simple assaults and 9,700 other violent sex offenses.[18]

In the mid-1990s, NDAA recognized the serious nature of juvenile crime and developed policy positions to elevate juvenile court assignments to desirable positions within prosecutors' offices. With NDAA prosecutors taking the lead, perceptions of juvenile court evolved and juvenile prosecution is now considered a specialized practice. In addition to a thorough understanding of criminal law and procedure, prosecutors must be knowledgeable about child development and the impact of childhood trauma, adolescent brain research, their state's juvenile code, the juvenile corrections system, community resources and empirically validated interventions with youth and families that can deter future criminal behavior. NDAA renewed its commitment to juvenile justice issues in 2002 when it adopted an updated version of the policies.

While the NDAA policy positions recommend that experienced prosecutors be assigned to juvenile court, NJJPC also recommends that only those prosecutors who desire juvenile court practice be assigned there. An experienced prosecutor who has no desire to be in juvenile court, who is suffering from burnout, or who is otherwise disengaged, can do more harm than good in juvenile court. Conversely, a newly hired prosecutor may have a passion to work with court-involved youth but lack the necessary experience to strike the right balance between public safety, offender accountability and rehabilitation efforts. Combinations of experienced and newly hired prosecutors that are energetic, dedicated, and convinced of the importance of early intervention, are best suited to juvenile court assignments.

Ideally, prosecutors should minimize turnover in juvenile court as much as possible. Facing the same prosecutor upon reoffending adds a degree of accountability for juveniles. High turnover in court personnel can lead juveniles to feel as though they are not accountable to anyone, making it easier for them to disengage from the process. Additionally, the nuances of cases and family dynamics are rarely captured in the record, but it is often those subtleties that provide the best information for sentencing recommendations. Prosecutors newly assigned to the court may lack insight into a juvenile's behavior or that of the family and miss opportunities to intervene effectively.

Juvenile prosecutors play an important role with regard to prevention and early intervention. As community leaders, prosecutors should work with other stakeholders to raise awareness of the risks associated with juvenile delinquency.

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[16] S. Hockenberry and C Puzzanchera, *Juvenile Court Statistics 2013*, NATIONAL CENTER FOR JUVENILE JUSTICE, 2015, http://www.ncjj.org/Publication/Juvenile-Court-Statistics-2013.aspx. (last visited June 30, 2016).
[17] Id.
[18] Id.

This includes making presentations at schools and to other community groups to increase awareness on preventable issues such as truancy, underage alcohol and drug use. Sharing information and statistics on juvenile delinquency cases in their jurisdiction and working together to develop strategies for reducing delinquency based on the specific needs of that jurisdiction is key.

Finally, juvenile court prosecutors should be properly trained. Unlike criminal court prosecutors who typically receive offense-based training, juvenile prosecutors would benefit from both offense-based training and offender-based training. Not only do they need to know how to prosecute various criminal offenses, they must have an understanding of factors specific to juvenile offenders such as adolescent brain development, adjudicative competency, the effects of exposure to violence on children, and effective, evidence-based interventions with youth. Training in prevention and early intervention should also be included. The family dynamic is an inescapable component of juvenile court, which makes specialized training in family violence and adolescent sex offending, which is often interfamilial, an essential aspect of juvenile prosecutor training.

INTAKE
CHARGING DECISIONS/DIVERSION

- **Policy:** A prosecutor should make all charging decisions in cases involving juvenile offenders.[19] The decision to divert a case is a charging decision,[20] thus a prosecutor should make it.[21]

- **Policy:** Diversion should be considered for appropriate low-level and first time offenders.[22]

- **Policy:** Charges should only be filed in cases supported by legally sufficient evidence.[23] Cases unsupported by legally sufficient evidence should be

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[19] NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 6. *See also*, NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-11.1.

[20] NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 7("The decision to divert a case is a charging decision because it is a determination that sufficient evidence exists to file a charge in court but that the goals of prosecution can be reasonably reached through diversion.").

[21] Because it is important to ensure that legally sufficient evidence exists before a case is diverted from prosecution, in those jurisdictions where police or probation agencies make decisions to place youth in diversion programs, such agencies should seek input from the prosecuting authority before diversion decisions are made. The determination of whether legally sufficient evidence exists in a case is a prosecutorial decision.

[22] NAT'L DIST. ATT'YS ASS'N. *See also*, NATIONAL PROSECUTION STANDARDS, *supra* note 5, §4-11.5.

> "The prosecutor or a designee should be responsible for recommending which cases should be diverted from formal adjudication. No case should be diverted unless the prosecutor reasonably believes that he or she could substantiate the criminal or delinquency charge against the juvenile by admissible evidence at a trial. Treatment, restitution, or public service programs developed in his or her office may be utilized, or the case can be referred to existing probation or community service agencies. To the extent possible, when determining the conditions of diversion, prosecutors should consider the individual treatment needs of the juvenile in order to tailor services accordingly." Id.

[23] MODEL RULES OF PROFESSIONAL CONDUCT §3.8, (Am. Bar Ass'n 2013); *See also*, NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-11.7.

dismissed with no further action. They should not be diverted.

- **Policy:** Diversion policies should be in writing and set forth general guidelines for participation in the diversion process.

- **Policy:** The factors in deciding whether to divert a case from formal prosecution in juvenile court should include the seriousness of the alleged offense; the role of the juvenile in that offense; prior offenses committed by the juvenile; the juvenile's age, maturity and mental status; the existence of appropriate treatment services available; the acceptance of responsibility by the juvenile for the offense; the dangerousness or threat posed by the juvenile to persons or property; consistency with other similar cases; the provision of financial restitution to victims; and recommendations of the referring law enforcement agency, victim and advocates for the juvenile.[24]

- **Policy:** Participation in diversion should be voluntary and youth and their parent/guardian must sign all agreements.

- **Policy:** Diversion programs should utilize validated screening and assessments to determine the risk and needs of the individual youth, including the assessment of possible commercial sexual exploitation and human trafficking issues.

- **Policy:** Victims must be notified of all charging decisions, including a referral to diversion.

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[24]National Prosecution Standards 4-11.6.

"The prosecutor or a designee must further review legally sufficient cases not appropriate for transfer to criminal court to determine whether they should be filed formally with the juvenile court or diverted for treatment, services, or probation. In determining whether to file formally or, where allowed by law, divert, the prosecutor or designated case reviewer should consider the following factors in deciding what result best serves the interests of the community and the juvenile:

a. The seriousness of the alleged offense, including whether the conduct involved violence or bodily injury to others, including the victim;
b. The role of the juvenile in that offense;
c. The nature and number of previous cases presented by law enforcement or others against the juvenile, and the disposition of those cases;
d. The juvenile's age, maturity, and mental status;
e. The existence of appropriate treatment or services available through the juvenile court, child protective services, or through diversion;
f. Whether the juvenile admits guilt or involvement in the offense charged, and whether he or she accepts responsibility for the conduct;
g. The dangerousness or threat posed by the juvenile to the person or property of others;
h. The decision made with respect to similarly-situated juveniles; and
i. Recommendations of the referring agency, victim, law enforcement, and advocates for the juvenile, in consideration of the juvenile's rehabilitative potential." Id.

- **Policy:** Protocol should be in place to identify youth who have been or are currently involved in child welfare system.

Commentary

Charging decisions are at the heart of the prosecutorial function.[25] Prosecutors have the statutory authority and responsibility to file charges and they have knowledge of the elements of offenses and rules of evidence necessary to determine legal sufficiency. While it may be tempting to divert cases not supported by legally sufficient evidence in order to obtain services for the juvenile, this should be avoided and it is for this reason that in those jurisdictions where police or probation agencies make decisions to divert youth from prosecution that these agencies should seek input from the prosecuting authority before such decisions are made. If the juvenile fails to successfully complete the program, the case will be referred to the prosecutor for formal charges. If none are filed, the juvenile is not held accountable for failure to comply with the program. Additionally, diversion is a form of government restriction on a citizen. Without legally sufficient evidence to support a charge, there is no legal basis for such restrictions. Diversion in the absence of legally sufficient evidence may well be a violation of Model Rules of Professional Conduct.[26]

Proper factors to consider when filing charges or diverting cases include, but are not limited to:[27]

- Sufficiency of the evidence;
- Nature, severity or classification of the offense;
- Harm to the victim or property;
- Restitution to victim;
- Victim input;
- Offender's role in the offense (primary or accomplice);
- Offender's prior contact with the justice system;
- Parental involvement in offense;
- Parental support of juvenile offender;
- Potential commercial sexual exploitation and human trafficking;
- Existence of diversion program appropriate to the offender; and
- Diversion decisions with respect to similarly situated offenders.

The above list is not exhaustive but provides a starting point for consideration.

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[25] NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 6, citing Brown v. Dayton Hudson, 314 N.W.2d 210 (Minn. 1981).
[26] MODEL RULES OF PROFESSIONAL CONDUCT §3.8(a), (Am. Bar Ass'n 2013).
[27] List reprinted from New York City Law Department Family Court Division Policies and Procedures that includes factors from the NDAA National Prosecution Standards 3rd Edition.

Improper factors to consider include:[28]

- Prosecutor's or the office's conviction rate;
- Personal advantages which filing charges may bring to the prosecutor or the office;
- Political advantages which filing may bring to the prosecutor or the office;
- Prosecutor's personal relationship with offender or others involved in the case;
- Factors about the accused that are legally recognized to be discriminatory (insofar as those factors are not pertinent to the elements of the case, such as in bias incidents or hate crimes) including but not limited to:
    - Race;
    - Gender;
    - Religion;
    - Ethnic background; and
    - Sexual orientation.

Programs that divert youth from involvement in the juvenile justice system have increased in response to the growing recognition that such involvement is often not necessary and can even adversely affect young people and communities. Diversion programs provide an opportunity to address problematic behavior while at the same time avoiding the stigma of adjudication. Very often, this involvement can connect youth with positive peers, adults and activities that build upon their strengths and promote resiliency.

Because of the high proliferation of youth who cross from the child welfare system to the juvenile system, protocols should be put in place that allow for early identification of such youth. These cases require extensive collaboration and efforts should be made to implement coordinated case assignment, joint assessment processes and coordinated case plans and supervision.[29]

SCREENING AND ASSESSMENT

- **Policy:** Prosecutors should utilize validated screening and assessment instruments to assess the risk of re-offense, the needs, strengths and/or behavioral health issues of youth referred to the system, including the risk of commercial sexual exploitation and human trafficking.

- **Policy**: Prosecutors should support and/or adopt policies that address the use of statements made during screening and assessment.

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[28] Id.

[29] GEORGETOWN UNIVERSITY'S CENTER FOR JUVENILE JUSTICE REFORM, THE CROSSOVER YOUTH PRACTICE MODEL: AN ABBREVIATED GUIDE 5 (2015).

Commentary

During the initial stages of screening and assessment, there may be interviews and communications between youth, family members and juvenile court personnel. In order to encourage youth to share information openly and truthfully during these processes, it is recommended that prosecutors support and/or adopt policies regarding statements made during these processes. Provisions that encourage the free exchange of information when addressing potential behavioral issues can lead to better outcomes for youth and for the community as well.[30]

ADJUDICATION

- **Policy:** Prosecutors should appear and represent the interests of the state at every hearing involving a juvenile defendant.[31]

- **Policy:** Prosecutors should comply with all discovery obligations and are encouraged to implement open file policies wherever possible.

Commentary

Juvenile court is a formal, fully adversarial system that requires legal representation for the state and the offender at every stage of the court process. Prosecutors are the only voice victims and communities have in court. It is incumbent on prosecutors to attend every hearing to protect the community and advance the rights of crime victims, while insuring that justice is done for the offender.

Discovery obligations are generally the same in juvenile court as they are in criminal court. Absent statutory authority specific to juvenile court matters, NDAA's National Prosecution Standards provide that "Prosecutors should carry out their discovery obligations in a manner that furthers the goals of discovery, namely, to minimize surprise, afford the opportunity for effective cross-examination, expedite trials, and meet the requirements of due process."[32] Prosecutors in juvenile court should be well-schooled in their discovery obligations and have a full understanding of the consequences of failure in this area of practice.[33]

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[30] JUVENILE DIVERSION GUIDEBOOK, MODELS FOR CHANGE INITIATIVE 53 (2011).

[31] NATIONAL PROSECUTION STANDARDS, *supra note 9*, §4-11.9 ("At the adjudicatory hearing, the prosecutor should assume the traditional adversarial role of a prosecutor, acting in the best interests of justice and community safety.") Id. *See also*, NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 6-7.

[32] NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-9.1.

[33] *See generally* MODEL RULES OF PROFESSIONAL CONDUCT §3.8(d) *Special Responsibilities of a Prosecutor*, (Am. Bar Ass'n 2013); Brady v. Maryland, 373 U.S. 83 (1963).

PLEA NEGOTIATIONS

- **Policy:** Prosecutors should engage in plea negotiations in juvenile court cases.[34]

- **Policy:** Similarly situated juvenile offenders should be offered substantially similar plea agreement opportunities[35] taking into consideration the special needs of the juvenile, family support and other appropriate factors relevant to juvenile sentencing, including victim input.

- **Policy:** Alford[36] pleas should be avoided in juvenile court.

Commentary

Plea agreements in juvenile court are a good way to help offenders accept responsibility for their conduct. The guilty plea is often the beginning of rehabilitation and prosecutors should find suitable ways to settle juvenile cases. Prosecutors are encouraged not to allow Alford pleas in juvenile court because they do not require personal acceptance of responsibility for the illegal conduct. The offender gains access to programs while maintaining that they never committed any illegal acts. The message conveyed to offenders is that juvenile court is a game. This is particularly true in sex offense cases. Treatment often involves offenders admitting they have engaged in inappropriate behavior. An Alford plea allows the offender to continue in their denial potentially decreasing the likelihood of a successful treatment outcome.

Proper factors to consider while negotiating pleas in juvenile court include, but are not limited to:

- Nature, severity or classification of the offense;
- Harm to the victim or property;
- Restitution to victim;
- Victim input;
- Safety of the community;
- Age of the offender;
- Physical, developmental, social and psychological needs of the offender;
- Offender's role in the offense (primary or accomplice);

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[34] NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-11.8.
"The decision to enter into a plea agreement should be governed by both the interests of the state and those of the juvenile, although the primary concern of the prosecutor should be protection of the community as determined in the exercise of traditional prosecutorial discretion. The prosecutor should also consider the juvenile's potential for rehabilitation." *See also* National Prosecution Standards 5-2.1 which states: "The prosecutor should make known a policy of willingness to consult with the defense concerning disposition of charges by plea and should set aside times and places for plea negotiations, in addition to pre-trial hearings." Id.

[35] *See generally*, NATIONAL PROSECUTION STANDARDS, 3rd Edition *supra* note 9, §5-1.4 Uniform Plea Opportunities.

[36] North Carolina v. Alford, 400 U.S. 25 (1970).

- Offender's prior contact with the justice system, including any previous cases that have been disposed of through a diversion program;
- Level of success with prior probation or sentencing conditions
- Parental involvement in offense;
- Parental support of juvenile offender;
- Offense was committed in an especially heinous, cruel, or depraved manner;
- Victim or victims were particularly vulnerable;
- Level of cooperation on the part of the offender as well as victims and witnesses; and
- What can be proven at trial.

When engaging in plea negotiations, the following factors are **not** appropriate to consider:

- Prosecutor's or the office's conviction rate;
- Personal advantages which guilty plea may bring to the prosecutor or the office;
- Political advantages which guilty plea may bring to the prosecutor or the office;
- Prosecutor's personal relationship with offender or others involved in the case; and
- Race or ethnicity, gender, religion, sexual orientation or other personal characteristics.

DISPOSITIONS

- **Policy:** The primary factors affecting a juvenile's sentence should be the seriousness of the crime, the protection of the community from harm, and accountability to the victim and the public for the juvenile's behavior.[37]

- **Policy:** Prosecutors should make recommendations at the time of sentencing as to appropriate dispositional alternatives to juvenile offenders, which should include age appropriate rehabilitative efforts for re-entry.[38]

- **Policy:** A juvenile's sentence should emphasize provisions for community safety, offender accountability, and competency development so that offenders can re-enter the community capable of pursuing non-criminal paths.[39]

- **Policy:** Prosecutors should take an active role in dispositional hearings and make recommendations after reviewing all case reports and considering the interests and needs of the juvenile offender and the safety of the

[37] NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 13.
[38] Id.
[39] Id.

community.[40]

- **Policy:** Dispositions should be tailored to the individual risk level of reoffending of the youth. Interventions should be developmentally appropriate and build upon the specific needs and strengths of the youth.

- **Policy:** Accountability must be promoted. Incentives can be incorporated to acknowledge positive progress. In cases of non-compliance sanctions should be graduated, immediate and certain.

- **Policy:** Dispositions should include conditions and programs that are consistent with best practices and evidence-based interventions. When possible and in the interests of public safety, community based interventions should be utilized.

- **Policy:** Family involvement should be encouraged whenever possible, and appropriate.

- **Policy:** The prosecutor should periodically review dispositional programs to ensure that they provide appropriate supervision, treatment, and services for the juvenile and provide restitution to victims.[41]

- **Policy:** Balancing community protection, offender accountability and competency development in offenders is the recommended philosophical approach to juvenile justice.[42]

Commentary

Over the past 20 years there have been many advances regarding effective and ineffective approaches to juvenile offending. Based on neuroscience and social science studies, policies and practices can be designed that are effective in not only decreasing recidivism but also improving positive outcomes for young people.

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[40] NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-11.10.
"The prosecutor should take an active role in the dispositional hearing and make a recommendation consistent with community safety to the court after reviewing reports prepared by prosecutorial staff, the probation department, and others. In making a recommendation, the prosecutor should seek the input of the victim and consider the rehabilitative needs of the juvenile offender, provided that they are consistent with community safety and welfare." Id.

[41] NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-11.12:
"The prosecutor should periodically review diversion and dispositional programs, both within and outside the prosecutor's office, to ensure that they provide appropriate supervision, treatment, restitution requirements, or services for the juvenile. The prosecutor should maintain a working relationship with all outside agencies providing diversion and dispositional services to ensure that the prosecutor's decisions are consistent and appropriate. If the prosecutor discovers that a juvenile or class of juveniles is not receiving the care and treatment envisioned in disposition or diversion decisions, the prosecutor should inform the court of this fact." Id.

[42] NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 13-14.

When considering the dispositional alternatives, it is important to analyze the needs and strengths of each young person. Dispositions should be tailored in a way that will encourage pro-social behavior and outcomes. The importance of connecting youth to positive peers, adults and activities cannot be overstated.

Proper factors to consider when making disposition recommendations include, but are not limited to:

- Nature, severity or classification of the offense;
- Harm to the victim or property;
- Restitution to victim;
- Victim input;
- Safety of the community;
- Age of the offender;
- Physical, developmental, social and psychological needs of the offender;
- Offender's role in the offense (primary or accomplice);
- Offender's prior contact with the justice system, including any previous cases that have been disposed of through a diversion program;
- Parental involvement in offense;
- Parental support of juvenile offender;
- Offense was committed in an especially heinous, cruel, or depraved manner;
- Victim or victims were particularly vulnerable;
- Any pre-disposition reports that may have been completed;
- Offender scores, where applicable; and
- Level of success with prior probation or sentencing conditions.

When contemplating disposition recommendations, the following factors are **not** appropriate to consider:

- Personal advantages which certain dispositions may bring to the prosecutor or the office;
- Political advantages which certain dispositions may bring to the prosecutor or the office;
- Prosecutor's personal relationship with offender or others involved in the case; and
- Race or ethnicity, gender, religion, sexual orientation or other personal characteristics.

The recommended philosophical approach to juvenile justice involves balancing community protection, offender accountability and competency development in offenders.

WAIVER/TRANSFER

- **Policy:** Prosecutors should have discretion to seek to prosecute cases in criminal court when appropriate for serious and violent criminal offenses.[43]

- **Policy:** Prosecutors should make transfer decisions on a case-by-case basis and take into account the individual factors of each case, including, among other factors, the gravity of the current alleged offense, the record of previous delinquent behavior of the juvenile charged, and the availability of adequate treatment and dispositional alternatives in juvenile court.[44]

- **Policy:** Prosecutors should consider using a "blended sentencing" approach if state legislation authorizes this to occur.[45]

Commentary

There were just over one million delinquency cases handled in juvenile court in 2013, approximately half of which were formal petitions or waiver requests. [46] While there is no national data available for direct file cases in criminal court, data does exist for judicial waiver and transfer. In 2013, juvenile courts waived over 4,000, or approximately 1% of the petitioned delinquency cases into criminal court.[47]

Some prosecutors use direct file discretion to transfer all juvenile offenders of a certain age to criminal court, without any case-by-case consideration of the individual needs of the offender, community or victim. This unfortunate practice often results in first offenders and other youth appropriate for the rehabilitative practices of juvenile court being processed through the criminal court system with its attendant long-term consequences. These misguided policies are fodder for advocacy groups striving to eliminate prosecutors' direct file charging discretion.

Prosecutors should, however, retain the authority to transfer serious and violent offenders to criminal court and such decisions should be made on a case by

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[43] NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 8. *See also,* NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-11.7. "The transfer of cases to criminal court should be reserved for the most serious, violent, and chronic offenders. Prosecutors should make transfer decisions on a case-by-case basis and take into account the individual factors of each case including, among other factors, the gravity and violent nature of the current alleged offense, the record of previous delinquent behavior of the juvenile charged, and the availability of adequate treatment, services and dispositional alternatives in juvenile court." Id.

[44] Id.

[45] NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 10. "Blended sentencing" is defined for the purposes of this document as the imposition of juvenile and/or adult correctional sanctions to cases involving serious, violent or habitual offenders who have been adjudicated in juvenile court or convicted in criminal court. Id.

[46] Sarah Hockenberry and Charles Puzzanchera, *Delinquency Cases Waived to Criminal Court*, OJJDP JUVENILE OFFENDERS AND VICTIMS: NATIONAL REPORT SERIES FACT SHEET (2014), http://www.ojjdp.gov/pubs/248410.pdf (last visited June 28, 2016).

[47] Robert L. Listenbee, *Delinquency Cases in Juvenile Court*, 2013, Juv. Offenders and Victims Nat'l Rep. Series, October 2015 at 1, 3. http://www.ojjdp.gov/pubs/248899.pdf (last visited June 23, 2016).

case basis. Taking into account the individual factors of each case in making the decision as to whether a case should be transferred to criminal court, prosecutors should evaluate which system best furthers public safety, holds the offender accountable in the community and develops the offender's skills in reducing future delinquency or criminal behavior. Specific factors which should be considered in the waiver decision include the seriousness of the alleged offense; the role of the juvenile in that offense; the nature and number of previous cases against the juvenile and the disposition of those cases; the juvenile's age and maturity; the availability of appropriate treatment or service potentially available in each court; and the dangerousness or threat posed by a juvenile to the person or property of others.[48]

Prosecutors are encouraged to review research and juvenile crime data in the area of juvenile reoffending and consider if their existing policies are supported by the research and data. Evidence-based policies are not only more likely to achieve the desired result, but such policies also provide a defensible basis for the exercise of prosecutorial discretion.

In making a decision as to whether a case should be direct filed in, or transferred to, criminal court, consideration should be given to prosecution of such offenders under a "blended sentencing" approach. A number of states have enacted laws in recent years expanding juvenile court disposition and available sanction alternatives. These laws are designed for youth who have committed a serious offense which does not initially warrant adult prosecution, but which requires greater sanctions and/or longer supervision by the juvenile courts than is provided in a traditional juvenile system. Commonly referred to as "blended sentencing" these laws may combine some juvenile and adult sanctions, provide for stayed adult sanctions to be imposed at a later date should the offender not conform to the conditions of the juvenile court disposition, provide incentives for such youth to remain law abiding in the future and/or lengthen the period of supervision over the youth by the juvenile court. Blended sentencing models are appropriate and necessary in the continuum of sanctions available for more serious and violent juvenile offenders, especially for younger youth committing very serious crimes. [49] When using blended sentencing options, prosecutors must ensure that the results are logical, fair and consistent.[50]

DISPROPORTIONATE MINORITY CONTACT

- **Policy:** Prosecutors should continue their efforts to participate with other juvenile court stakeholders to address disproportionate minority contact (DMC).

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[48] NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 10.
[49] NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 10.
[50] Id.

- **Policy:** Prosecutors should maintain a well-qualified staff that is reflective of the community and promote policies that discourage any type of disparate treatment among minorities.

Commentary

The juvenile justice system has made steady progress in addressing the problem with disproportionate minority contacts (DMC) with the juvenile court system. When the Juvenile Justice and Delinquency Prevention Act (JJDPA) was reauthorized in 2002, it expanded the DMC core requirement from "confinement" to "contact."[51] With this expansion came the requirement that states receiving formula grant money actively address DMC issues in their jurisdictions.[52] OJJDP's DMC Reduction Model, or some element of it, is being used by 41 states.[53]

VICTIMS

- **Policy:** Crime victims should have the same rights in juvenile court that they have in adult criminal court.[54]

- **Policy:** Prosecutors should make the court aware of the impact of the juvenile's conduct on the victim and the community.[55]

- **Policy:** Prosecutors must be familiar with and comply with all victims' rights legislation in their jurisdictions.

- **Policy:** Victims should be kept informed of proceedings and their input should be considered when developing dispositions, including diversion.

- **Policy:** Prosecutors should work to ensure confidentiality laws do not hinder victims' rights or prevent victims from accessing important information.

Commentary

Every state and the District of Columbia have some form of victims' rights legislation. It is not only essential for prosecutors to understand their responsibility to victims but also to put it into practice on a daily basis. When victim advocates are

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[51] Melodee Hanes, *Disproportionate Minority* Contact OJJDP IN FOCUS, at 1, (Nov. 2012), http://www.ojjdp.gov/pubs/239457.pdf.
[52] Id.
[53] Id. at 3.
[54] *See,* NAT'L DIST. ATT'YS ASS'N, *supra* note 5.
[55] NATIONAL PROSECUTION STANDARDS, *supra* note 9, §4-11.11, "The prosecutor should consider the victim's input at all phases of the juvenile delinquency process. At the dispositional hearing, the prosecutor should make the court aware of the impact of the juvenile's conduct on the victim and the community" Id.

available, prosecutors should cultivate a good working relationship with them, and take advantage of their expertise in protecting the rights of victims.

While a victim's right might include procedural notifications, a request restitution and the opportunity to make victim impact statements, the most basic right of every victim of crime is being treated with dignity, respect, and sensitivity throughout the criminal justice process.[56] Confidentiality laws may adversely impact crime victims and prosecutors should support legislation that allows victims access to relevant information involving their cases.

GANGS[57]

Obviously, the impact of organized criminal activity by juveniles requires the criminal justice system to address the problem. The following policy statements are designed as an overview of major factors that should be considered when developing a response to gang-related activity within a prosecutor's jurisdiction.

- Policy: Prosecutors should establish as priorities the identification, prosecution and punishment of gangs and gang behavior.
- Policy: Individuals who commit crimes for the benefit of a gang should be subject to enhanced penalties.
- Policy: Adequate resources should be provided to prosecutors to assist in the prosecution of gang-related crimes and the protection of witnesses.
- Policy: Specialized prosecution is necessary to assist in the effective prosecution and punishment of crimes committed for the benefit of gangs. Prosecutors should be encouraged to share information and provide technical assistance regarding gang prosecution with small jurisdictions.

Commentary

Prosecutors need to set a high priority within their offices concerning gang issues. Depending on the size of the jurisdiction and the gang problems in existence, community programs may vary. The error most often made by the prosecutor and other law enforcement officials in a community is to ignore the developmental stages of gang activity. According to the National Youth Gang Survey in 2012, an estimated 30,700 gangs were operating in the United States, with an estimated 850,000 members, of which an estimated 35% are under 18 years old. Gangs exist in cities, smaller cities, rural, and suburban environments. [58]

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[56] MD CONST. art 47.

[57] This section is substantially the same as the language contained in NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 24-26.

[58] *National Youth Gang Survey Analysis* OJJDP, NATIONAL GANG CENTER. http://www.nationalgangcenter.gov/Survey-Analysis. (last visited July 10, 2015).

Gang activity is not mere delinquency. Gang exploits have become increasingly more criminal in nature. According to the National Gang Intelligence Center "gangs continue to commit violent and surreptitious crimes – both on the street and in prison – that pose a significant threat to public safety in most US jurisdictions across the nation." [59] It is important that the consequences imposed reflect the serious level of behavior. Prosecutors must recognize the need for public safety and the goal of deterrence. As a gang becomes organized to commit crimes for profit, control and reputation, its members and "wannabe's" likely are directed to perform criminal acts. The gang itself then reaps the profits. This harms the victim and society as a whole.

Even if prosecutors assign the gang issue a high priority, little can be accomplished unless adequate resources are provided to assist them. This can be done by providing sufficient detention space, appropriate prevention programs and human resources to enable all personnel within the juvenile justice system to do their jobs efficiently and effectively. The success of preventive programs in curtailing gang activity within a community must be able to rely on the prosecutor taking action against those who, in spite of preventive intervention, continue their gang involvement. There are those individuals who must be isolated from their peers by institutional detention. Only those prosecutors with adequate staff, court support and placement opportunities have achieved some success in curbing gang activity.

One issue often overlooked is the ability to protect witnesses who testify against gang members from retribution by the gang. Whether real or imagined, a witness must feel that taking the witness stand will not result in retaliation by the gang members against themselves or their families. The ability of the prosecutor to provide protection, move a witness, or otherwise arrange for relocation and similar services can go a long way in promoting the cooperation of a frightened witness. This is one area in which the federal government can provide both technical and financial resource assistance to local prosecutors.[60]

Current studies indicate that specialized task force units composed of prosecutors and law enforcement agents have the greatest chance of successfully proceeding against gangs and gang members. Small and medium size jurisdictions (the majority of offices) do not have the staff and resources to create such units. To provide the most reasonable alternatives for these offices, it is hoped that larger offices can provide assistance. The experience and information available to the larger office, if shared, could allow smaller offices to avoid re-inventing the wheel when trying to address gang-related issues. Some of the specific areas in which such aid can be made available include the following:

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[59] *2013 National Gang Report*, FEDERAL BUREAU OF INVESTIGATION, NATIONAL GANG INTELLIGENCE CENTER, 2013 https://www.fbi.gov/stats-services/publications/national-gang-report-2013/view (last visited June 30 2016).
[60] For federal resources see The National Gang Center at https://www.nationalgangcenter.gov/.

- Evidentiary matters--briefs, experts, demonstrative models;
- Charging--forms, history, approaches;
- Restrictions on ability to gather intelligence--access; and
- Other technical assistance.[61]

GUNS AND DANGEROUS WEAPONS[62]

The availability, distribution and use of guns by juveniles in the commission of crimes continues to impact the community. Prosecutors should continue to take a firm stance on offenders who possess or use dangerous weapons.

- Policy: Serious, violent, or habitual juvenile offenders who illegally use or possess firearms or dangerous weapons should face enhanced penalties.

Commentary

The issue of guns and juveniles is a politically charged and controversial topic. The discussion is often presented as an effort of gun control when the real issue is one of safety in the community. Individual prosecutors have varying views on gun control, but there should be no dispute that individuals who illegally use dangerous weapons should face serious consequences in both the criminal and juvenile justice systems. In 2013 1,220 juveniles were the victims of homicide by a firearm.[63] Four hundred ninety-eight offenders under the age of 18 used a firearm to commit a homicide.[64]

Several states have already enacted new laws relating to the illegal possession and criminal use of weapons by juveniles. One component of this legislation is enhanced penalties for gun use. These penalties involve longer juvenile sentences or trial in adult court. Some legislation also attaches criminal responsibility to adults who provide the juvenile with a weapon or with access to a weapon.[65]

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[61] For examples of legislation concerning gangs, *see* CAL. PENAL CODE §186.20 (Deering 1995); FLA. STAT. CH. 874.01 (1994); MINN. STAT. §609.229 (1994).

[62] This section is substantially the same as the language contained in NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 23-24.

[63] C. Puzzanchera, G. Chamberlin, and W. Kang, *Easy access to the FBI's Supplementary Homicide Reports: 1980-2014*, EZASHR, http://www.ojjdp.gov/ojstatbb/ezashr/ (last visited June 23, 2016).

[64] Id.

[65] For sample legislation in this area, see: COLO. REV. STAT. § 18-12-108.5 (1995) *et seq*; FLA. STAT. CH. 790.22 (1994 & Supp. 1995); MINN. STAT. §624.713 (1994 & Supp. 1995); TEX. EDUC. CODE ANN. § 21.3011 (1995).

HUMAN TRAFFICKING AND SEXUAL EXPLOITATION OF YOUTH

Human trafficking and commercial exploitation of youth for sexual purposes is a growing problem in America. Prosecutors should work closely with law enforcement, child protection, and other agencies to address sexual exploitation and human trafficking of youth to protect these vulnerable victims of these crimes.

- **Policy:** Prosecutors should consider a multi-systemic approach to addressing sexual exploitation and human trafficking involving juveniles through partnerships with law enforcement, child protection and family services, medical and mental health providers and other groups and agencies working to keep youth safe from such exploitation.

- **Policy:** Prosecutors should consider juveniles involved in prostitution as victims and not criminals. Such conduct by youth should be addressed in the child protection system to the extent possible and not the juvenile delinquency system.

Commentary

In the United States, the Department of Justice estimates that between 100,000 and 300,000 children between the ages of twelve and fourteen are at risk for sexual exploitation.[66] The victims are mostly girls.[67] If youth have had contact with the child welfare system, they are at a higher risk of sexual exploitation than youth not involved in the system.[68]

The average age that juveniles are being targeted for prostitution is 12-14 years of age.[69] Human traffickers use a variety of tactics to coerce or control the victims they sell for sex. These include:

- Sexual, physical and emotional abuse;
- Threat of criminal prosecution;
- Withholding of money or identification documents;
- Enabling or inducing a chemical addiction;
- Threats toward family or friends;
- Pressure or guilt; and
- Gang rape and sadistic torture.[70]

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[66] *See generally,* http://www.trafficking.org/learn/child-sex-trafficking.aspx (last visited July 4, 2016).
[67] Id.
[68] *National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, Shared Hope International. (2009), http://www.missingkids.org/en_US/publications/missingchildrenstatecare.pdf.
[69] *Combating Human Trafficking*, FEDERAL BUREAU OF INVESTIGATION, https://www.fbi.gov/news/testimony/combating-human-trafficking. (last visited June 28, 2016).
[70] *See generally*, https://traffickingresourcecenter.org/type-trafficking/human-trafficking (last visited July 4, 2016).

Several states have enacted "safe harbor" laws aimed at treating juveniles involved in prostitution as crime victims and not juvenile delinquents.[71] These laws are premised on the fact that youth are not voluntarily engaged in this conduct, but are rather often being forced or coerced into it by sexual predators and human traffickers. Prosecutors should treat sexually exploited youth as victims, not criminals, and such youth should be referred to the child protection system, to the extent the law allows for it, or to qualified service providers rather than the juvenile delinquency system.

CRIME PREVENTION[72]

The prosecutor can serve a valuable role in educating the public concerning juvenile justice issues and in coordinating or participating in crime prevention initiatives. Education and prevention go hand in hand with effective law enforcement and prosecution efforts, especially in the area of juvenile offending.

- Policy: Prosecutors should take an active role in juvenile crime prevention efforts.

- Policy: Prosecutors should work with other community leaders to ensure community involvement in crime prevention efforts.

  Policy: Prosecutors should be involved in truancy prevention efforts whenever possible.

Commentary

Efforts aimed at education, prevention and early intervention are a critical part of any community's war on crime. Young people at early ages must be taught the dangers of using illegal drugs and abusing alcohol. Youth must also learn to confront their problems in non-violent ways. Prosecutors can coordinate or participate in such crime prevention efforts.

While there will never be a complete consensus concerning all of the reasons for the growing juvenile crime problem in our society, few would disagree that the reasons are varied and complex. This is precisely why the response to this problem must be multifaceted. One important way to formulate these types of multiple responses is the development of community coalitions and partnerships to address this widespread problem. Such coalitions can play an important role in helping to curb youth violence and crime. Everyone in the community needs to be involved in these efforts, including parents, teachers, school administrators, faith communities, civic and business leaders, law enforcement officials, prosecutors, local elected

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[71] *Safe Harbor – Protecting Sexually Exploited Minors,* POLARIS PROJECT: 2013 ANALYSIS OF STATE HUMAN TRAFFICKING LAWS 33, (2013), https://polarisproject.org/sites/default/files/2013-State-Ratings-Analysis.pdf. (2013). These states include Minnesota. *See,* MINN. STAT. §§ 260C.007 and 609.321(2015).

[72] This section is substantially similar to the language contained in the NAT'L DIST. ATT'YS ASS'N, *supra* note 5 at 22-23.

officials and youth themselves. Coupled with effective enforcement and prosecution efforts, crime prevention initiatives are important and necessary.

Truancy intervention efforts are important and can help reduce crime. As demonstrated in OJJDP's *Truancy Reduction: Keeping Students in School*, "Truancy, or unexcused absence from school, has been linked to serious delinquent activity in youth and to significant negative behavior and characteristics in adults."[73] Additionally, the bulletin asserts that "As a risk factor for delinquent behavior in youth, truancy has been found to be related to substance abuse, gang activity, and involvement in criminal activities such as burglary, auto theft and vandalism."[74] Prosecutors should consider designating a specialized truancy unit or juvenile prosecutor who is sensitive to the needs of youth engaged in truancy.

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[73] Myriam L. Baker, Jane Nady Sigmon and M. Elaine Nugent, *Truancy Reduction: Keeping Students in School*, OJJDP JUVENILE JUSTICE BULLETIN at 1, (September 2001), https://www.ncjrs.gov/pdffiles1/ojjdp/188947.pdf.
[74] Id. at 1.