



## **Plea Bargaining in Juvenile Court:**

### *Strategies, Considerations, and Consequences*

#### **Pleas for Juveniles: What are we bargaining for?**

##### Major Considerations:

- Potential Dispositions in juvenile court
  - Dismissal for social reasons under Rule 48(b)
  - Probation (length and conditions are negotiable)
  - Commitment (only length is negotiable)
  - **Remember that sentencing recommendations are non-binding**
- Charges
  - More than just misdemeanors vs. felonies
  - Collateral consequences of certain offenses are different for kids
  - Consider the optics of the type of charge (e.g., will a charge sound worse than it is to someone outside the legal system?)
- Proffer
  - What facts will your client have to admit to?
  - What will the judge hear about other conduct of your client?
  - How will your client's proffer affect him in the future?
  - Is an *Alford* plea available?
- Collateral Consequences
  - Adult criminal history points
  - Public records/potential loss of confidentiality
  - Family loss of housing or public benefits

- Sex Offender Registration outside of Washington, D.C.
  - School-based consequences
  - Driving license restrictions
  - Immigration: eligibility restrictions
  - Disclosure on college applications
  - Military Service restrictions
  - Eligibility for work/education programs
- **Some key factors you can negotiate with the OAG:**
    - Charges
    - Stepdown/placement
    - Allocution
    - Evaluations
    - Participation in programs
    - Restitution
    - Apology
    - Timing of disposition (for possible probation/48(b))
    - Diversion
- **Think About**
    - What are your client's stated goals?
    - What are factors your young client may not be considering, that you should encourage them to think about?
    - Who are the people in your client's life who may try to sway his decision?
    - What are the AAG's goals?
    - What can you do if your plea offer seems unfair to improve the offer?
    - What does your client need to understand in order to make this decision?

## **How to Talk to Kids About Pleas**

Important concepts to discuss:

- Whose decision is it to take a plea?
- What is a trial? What will happen if you have a trial?
- What is an appeal? What will happen if you have an appeal?
- What are the benefits of the plea you have been offered?
- What are the downsides of the plea you have been offered?
- Why would a person choose to plead guilty or not guilty?
  - Can plead guilty for strategic benefits
  - Can plead not guilty to assert rights
- What will happen in court at a plea hearing?
- What is likely to happen to you after you take the plea?
  - What has been promised to you?
  - What might the judge actually do?
  - What is the worst or best thing the judge could actually do?
- What will the requirements likely be that you have to fulfill to complete the requirements of your case?
  - Community Service (non-negotiable for probationers 13 and older)
  - Restitution
  - Program Participation
  - Conditions from CSS
- Why would someone want to take a plea?
- Whose opinions might you want to seek out about your plea? How can your lawyer or your parents help you?