

CHAIR: Anthony Joseph
CHAIR-ELECT: Charles Hynes
DIRECTOR: Jack Hanna

AMERICAN BAR ASSOCIATION

Criminal Justice Section
740 15th Street, NW
Washington, DC 20005-1022
202/662-1500 (Fax:202/662-1501)
crimjustice@abanet.org
www.abanet.org/crimjust

**AMERICAN BAR ASSOCIATION CRIMINAL JUSTICE SECTION
POLICY BULLETIN (JANUARY 2009)**

Balanced Policy: Uniting Diverse Points of View

The American Bar Association Section of Criminal Justice Council (CJS) is a collegial body that spends most of its meeting time evaluating criminal justice policy. The Section attempts to achieve parity in defense attorney and prosecutor representation to ensure a balanced approach to policy development on its governing body the Council. In discussions members often take counter intuitive policy positions in relation to their current practice setting as a result of high level and open deliberations. The CJS Council is made up of Prosecutors, Defense Attorneys, Judges and Academics. All policy positions of the CJS must be approved by the Council which consists of an approximate equal number of prosecutors and defense attorneys plus judges and academics. Every third year, the Chair of the Section is a Defense Attorney and every third year, the Chair is a Prosecutor. Judges and Academics alternate in the Chair position every third year.

Among the Council's make up are representatives of the following organizations: the United States Department of Justice, The National Association of Criminal Defense Attorneys, the National Association of Attorneys General, the National Legal Aid and Defender Association, the National District Attorneys Association and the Federal Public Defenders Association. Currently the Council has thirteen active prosecutors and six former prosecutors or DOJ staff; fifteen defense attorneys, three academics, a judge, a law student and a government agency attorney who changed jobs after being elected to Council as a prosecutor. Policy generally comes to the Council from CJS Committees including the Prosecution Function and Defense Function Committees where it is debated prior to being sent to Council. You can be assured that policy endorsed by the CJS has been developed and debated from all points of view within the criminal justice arena and as a result reflects the balanced perspective few other entities can provide.

POLICY GOING BEFORE THE ABA HOUSE OF DELEGATES IN FEBRUARY

**Juvenile Justice Committee
Adam Walsh Act**

The Juvenile Justice Committee has drafted a recommendation urging Congress and the state legislatures to re-examine and revise laws, policies, and practices that require youth to register as sex offenders or be subject to community notification provisions otherwise imposed upon adult sex offenders, based upon a juvenile court adjudication. The policy also recommends Congress and the state legislatures provide increased funding for assessment and effective treatment interventions for juveniles adjudicated for sexual offenses, as well as for specialized juvenile probation service monitoring of these adolescents.

The entire recommendation and report is available at
www.abanet.org/crimjust/policy/my09101a.pdf

**Alternative Dispute Resolution and Restorative Justice Committee
Mediation in Criminal Matters**

The Alternative Dispute Resolution and Restorative Justice Committee will be submitting a recommendation urging federal, state, territorial, and local governments to initiate, continue and expand the use of mediation as a means to resolve criminal matters, specifically at a time prior to

actual case filing. Additionally, it suggests these same entities initiate, continue and expand the use of mediation, early resolution courts, expeditors, restorative justice programs and other process innovations, where appropriate, to assist with plea negotiations and/or the expedition and resolution of both pending misdemeanor and felony cases. The entire recommendation and report is available at www.abanet.org/crimjust/policy/my09101b.pdf

Immigration Committee
Immigration Raids in Criminal Justice

The Immigration Committee, working in cooperation with the ABA Commission on Immigration, will be submitting a recommendation that calls for the American Bar Association to support legislation and/or administrative standards to ensure due process and access to appropriate legal assistance for persons arrested or detained in connection with immigration enforcement actions. The resolution also encourages bar associations to raise awareness of the rights available to individuals taken into custody during workplace immigration enforcement actions, assist in the provision of pro bono legal services to individuals who cannot afford to hire an attorney, and facilitate effective representation through training programs for court appointed and pro bono counsel. The entire recommendation and report is available at www.abanet.org/crimjust/policy/my09101c.pdf

Victims Committee
Child Victims in the Criminal Justice System

The Victims Committee will submit a recommendation urges federal, state, tribal, local, and territorial governments to ensure that child victims of criminal conduct have prompt access to legal advice and counsel and to specialized services and protections such as those provided by child advocacy centers approved and accredited by the National Children's Alliance. It also calls upon the American Bar Association, state and local bar associations, law schools, victim rights organizations, child rights organizations, and courts are urged to collaborate to develop appointment procedures for courts to appoint attorneys for child victims of criminal conduct and to adopt standards of practice and training requirements for those attorneys appointed for child victims including those regarding the attorneys' roles and responsibilities. The entire recommendation and report is available at www.abanet.org/crimjust/policy/my09101d.pdf

For a summary of additional policy issues the Section of Criminal Justice is developing visit the Section's policy page at www.abanet.org/crimjust/policy