

Press Release from the Juvenile Justice Project of Louisiana

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LOUISIANA'S DEFENSE SYSTEM FAILING CHILDREN AND COMMUNITIES

New Report Finds Severe Obstacles to Effective Representation,
Dire Consequences for Youth and Families

A new report released today finds that Louisiana's woefully inadequate juvenile defender system hurts youth and families, and contributes to Louisiana's overburdened and troubled juvenile justice system. *The Children Left Behind: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings in Louisiana*, details the ways in which inadequate legal counsel impairs children's entitlement to due process of law and opportunities for rehabilitation and treatment.

Through individual testimonials and examples, the report highlights the consequences resulting from Louisiana's beleaguered juvenile defender system, including: the over-incarceration of youth, particularly in facilities that fail to effectively treat youth or hold them accountable for their actions; high recidivism rates which ultimately compromise public safety; and, burdening Louisiana's families and communities by failing to involve them in the juvenile system and returning young people home without rehabilitation or support to help them become productive members of society.

"What this report makes clear is that Louisiana's juvenile defense system is not only flawed but that the failure to provide effective representation has dire consequences for youth and the public," comments Patricia Puritz, director of the ABA Juvenile Justice Center.

The report found that an alarmingly high number of youth waived counsel, with estimates of between 80% and 95% proceeding without representation in some parishes. The report also revealed extremely high caseloads and a serious lack of effective advocacy for youth, with up to 90% of cases in some parishes being resolved solely by guilty pleas.

"Families and children have no meaningful idea what is going on [in juvenile court]. They move through the system quickly and are humiliated and demeaned in the process," stated one family court clerk (page 62).

Among the findings, the report points to several barriers to effective representation, including:

Structural problems within the defender system: part-time nature of contract defense work; lack of resources (for example, limited space, no computer or clerical assistance, low salaries, no filing system, etc.); lack of training and other support; overall lack of leadership to implement changes; and, a discouraging culture within the legal profession that minimizes the value of juvenile defense practice.

Other systemic barriers, such as the lack of treatment and early diversion alternatives; lack of resources to assist youth with special needs; disparate treatment of African-American youth throughout the

system; overzealous "zero tolerance" policies in schools flooding the courts with cases; and the lack of cooperation among youth-serving organizations.

Absence of effective state-wide oversight and monitoring to ensure accountability to policymakers and the public, leaving the prosecutorial, defense, probation and judicial functions unchecked.

"Denying children and their families access to lawyers not only harms youth involved in the juvenile system but leads all of us to question the integrity of a judicial system designed for justice," says Gabriella Celeste, an attorney with the Juvenile Justice Project of Louisiana (JJPL) who worked in partnership with the ABA. "We have a responsibility to Louisiana's young people and our communities to improve this broken system. This report should serve as a helpful first step in bringing about needed reforms."

The Children Left Behind provides overall recommendations as well as suggestions for implementation strategies for policy-makers, juvenile courts and others concerned about youth. The key recommendations include:

- Increasing resources to support representation of youth;
- Improving the quality of representation to ensure effective assistance of counsel for youth;
- Establishing independent oversight and monitoring of the juvenile defense system to ensure greater accountability for the public;
- Increasing the number and quality of community-based treatment alternatives that both provide effective rehabilitation and hold youth accountable; and
- Exploring innovative defense advocacy programs and incorporating effective elements of best practices into local defense practices.

With the expert assistance of lawyers, academics, a former juvenile judge and other practitioners, the investigative team conducted an in-depth, on-site review of the juvenile courts and defense systems in a sample of parishes across the state. Interviews were held with judges, defense attorneys, prosecutors, probation officers, clerks and other court and detention staff, and parents and youth. The resulting report also includes information gleaned from surveys of juvenile defenders and comprehensive research regarding the status of children in Louisiana. The report was released today by a number of leading juvenile justice organizations, including the ABA Juvenile Justice Center and the Juvenile Justice Project of Louisiana.

"This report confirms what juvenile justice professionals have known at some level; without effective representation for youth the juvenile system cannot possibly meet the needs of the youth, the families or the communities we serve," says Judge Kathleen Stewart Richey, a juvenile judge in Baton Rouge and President of the Louisiana Council of Juvenile and Family Court Judges. "We look forward to working with the executive and legislative branches of government, as well as the Bar Association to improve the quality of representation for children and youth in Louisiana."

A copy of "*The Children Left Behind*" report may be obtained on the Internet on Friday, June 8, 2001 at: www.abanet.org/crimjust/juvjus/defenders.html or by contacting JJPL at (504) 522-5437.

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