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State juvenile offender system bashed

By Renee Ordway

AUGUSTA - Too many juveniles are languishing in Maine detention centers, unaware of their legal rights and unsure whether they even have an attorney working for them, a recent report by the New England Juvenile Defender Center concluded. Attorneys with the special knowledge, training and time to properly represent juvenile offenders are lacking and the state is funneling too many mentally ill or drug dependent offenders into detention centers instead of more successful treatment centers, the report notes.

The New England Juvenile Defender Center is a nonprofit group composed of lawyers and court officials from across the region dedicated to protecting the rights of juveniles. It is based at Suffolk University Law School in Boston.

Lisa Thureau-Gray, director of the center, places some of the blame at the feet of the Maine Department of Human Services, which she says does little or nothing to assist lawyers in finding community-oriented programs and services for juvenile offenders.

“One of our first recommendations is that DHS start a Web site that lists the community-based programs available for youth, the funding sources for those programs and how to access them. That truly should be their responsibility,” she said. “That is something that shouldn’t require a very large funding commitment but would be a huge help to lawyers representing juveniles.”

The report further notes that lawyers who represent juveniles are underpaid, receiving \$50 an hour for court-appointed services, with a cap of \$315 per case.

“There is a lot more time involved in representing a juvenile than an adult in most cases,” said Ned Chester, a Maine lawyer who represents juveniles exclusively. “It’s so necessary that those children have an advocate and much of the time the lawyer is it. It means going to the home or detention center where the child is being held, touching base regularly and letting them know that you are working for them and that the system is working for their best interest. That takes additional time and effort.”

The Maine juvenile code stresses rehabilitation and treatment, but in reality too many juvenile offenders are warehoused in detention centers, Chester said.

Lawyers don’t need as much contact with adults who have been convicted of a crime after sentencing, but lawyers for juveniles should be monitoring their care post-conviction and assuring that they are being treated properly, he said.

Vendean Vafiades, chief judge for the Maine District Court, attended a low-key press conference in Augusta on Wednesday as the report was released.

Vafiades noted with concern that more than 9,000 children were arrested in Maine in 2002 and that a third of those re-offended while still under the supervision of the Department of Corrections. She said she also was troubled that the percentage of female teens being arrested had risen 12 percent in the past 10 years.

“That’s a good example of an area we have to look at,” she said. “I guess I look at it as, if we don’t get them now, what happens when they turn 18?”

Vafiades said often juveniles have no support from their parents or other family members and are facing a complex and frightening system on their own.

“When that happens their lawyer truly becomes their only advocate,” she said.

Thurau-Gray also said that Maine had to make sure that attorneys and courts have the right to intervene in a juvenile’s detention situation and have some say over how the juvenile is treated.

Vafiades said that sometimes juveniles “who have never even been convicted of anything sit for weeks in jail. Then they come before us and plea out and we sentence them to community service. So they’ve sat in jail all that time without having been convicted, then they plea and we give them community service. What kind of message does that send?” she said.

“The message is that they should not have been in jail in the first place, but there weren’t any services available,” she continued. “Not only is it bad for the juvenile but it’s bad for the taxpayer, because it costs \$350 a day to incarcerate a juvenile and too many are incarcerated that don’t have to be because the system is failing them.”

The report recommends the private sector, the state bar association and the Juvenile Justice Advisory group work to create a nonprofit organization to support the work of juvenile defenders and that the state judiciary push for improvements in the quality of juvenile defense in Maine.

Just before the meeting ended, Vafiades acknowledged that the state had a long way to go to improve its juvenile justice system, but noted that on Wednesday judges from across the state were in Waterville to meet with the Department of Corrections and other agencies to talk about alternative sentencing programs that could be used in the juvenile system. Today, she noted, judges would be meeting with school officials from across the state to try to improve communication and understanding between the schools and the justice system.

“We do care. That’s my point. We work very hard to try to do what’s best. We take these cases very seriously and we are working to try to improve what we do,” she said.