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## **Study faults juvenile justice system**

By JENNIFER McKEE

HELENA -- Poor kids accused of crimes in Montana often have scant access to good lawyers, a report released Wednesday by the American Bar Association shows.

The report found various problems with Montana's juvenile justice system, from access to lawyers for accused juveniles to treatment juveniles receive once they're behind bars. The study examined a handful of states, including Montana.

Specifically, the 88-page report said juveniles unable to hire their own lawyers often meet with their court-appointed lawyer only minutes before they go before a judge. Some public defenders for juveniles assume the guilt of their young clients and go along with punishments suggested by probation officers, which the report said carry too much weight in the juvenile justice system.

Once convicted, too many mentally ill young people are incarcerated, where they receive inadequate treatment. Juveniles on parole often struggle to stay out of trouble because of a lack of help and may relapse into a life of crime.

Juvenile courts in Montana are attached to the state's district courts, which are overseen by the state Supreme Court. Jim Oppedahl, court administrator, declined to comment on the report, citing an ongoing legal case against the state regarding public defenders for adults.

Public defenders for juveniles are paid for by the counties, but if a minor is accused of a felony, the state pays for the criminal defense, Oppedahl said.

Steve Gibson, administrator of the Department of Correction's Juvenile Corrections Division, said that while he agrees that juvenile justice must be studied, he took issue with some parts of the report that he said erroneously cited cracks in state's juvenile corrections system.

"We will be writing a letter to the president of the American Bar Association," Gibson said. "Some of these findings are not based on fact."

The report stated that girls tried as adults in Montana may be sent out of state for placement. But Montana doesn't send any women inmates out of state, Gibson said, and hasn't for years since the women's prison opened in Billings.

The report also criticized treatment for youth behind bars, saying that up to 90 percent of them suffer from some kind of emotional disturbance. Gibson said he doesn't know where that statistic came from as mentally ill youth are generally not placed in the state's two juvenile correctional facilities.

The report also faults the department for not adequately treating young offenders on parole, thus encouraging them to commit new crimes. In fact, Gibson said, young offenders on parole have access to inpatient treatment centers, outpatient therapy as well as an \$800,000-a-year program designed to ease their transition from juvenile correctional facilities to life on the outside. Consequently, he said, the rate at which young Montana convicts commit new crimes is quite low, about 5 percent.

“I think it’s very important to look at this,” Gibson said. “I just don’t know where their information came from.”

Gibson said no one from the organization ever visited the state’s two lockdown facilities, Pine Hills Correctional Facility for boys in Miles City and Riverside Youth Correctional Facility for girls in Boulder.

Brock Albin, a Bozeman lawyer who worked on the study, was out of the state on Wednesday and not available for comment.

Gibson said Albin called him on a Friday in late September and wanted information on the juvenile corrections system. Gibson said Albin needed the information by the following Tuesday.