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What's juvenile justice? Finding real help

By AL SINGER (Op-Ed)

DURHAM -- I read the news today, oh boy. The war rages in Iraq. Another boy is shot down in a local street. Another delinquency prevention program is shut down because of funding cuts. Our state receives an "F" in the 2003 N.C. Child Health Report Card for its failure to stem the tide of child abuse and neglect. A local superintendent of schools exhorts the district attorney to lock up young gang members.

One more headline: the American Bar Association says that poor juveniles in North Carolina are poorly represented in court. In light of the rest of the news, is the ABA report relevant?

The Bar Association's exhaustive evaluation found that many juvenile defendants are ill-served by the lawyers assigned to them. According to the ABA, court-appointed lawyers often meet their young "clients" for the first time at the courthouse door just before the case is heard. Moments later, the attorneys are making dispassionate plea bargains that represent neither the expressed interest nor the best interest of these young adolescents.

The report accurately depicts children as being subjected to "conveyor belt justice." Yet, the bar's legalistic solutions seem inadequate and shortsighted. They call for sweeping reforms in the training of lawyers and the promulgation of guidelines for juvenile court defense.

From my perspective as an attorney who has represented thousands of youths in trouble over the past 25 years, the ABA's recommendations are fine as far as they go. However, they do not go nearly far enough.

Of course, my perspective is shaped by my experience. Since the mid-1980s, I have practiced law through the Child Advocacy Commission of Durham. We see hundreds of children a year caught up in scenarios that reflect the hard realities of modern poverty.

I quickly realized that representation of a juvenile was part law and a bigger part social work. Interviews began to have a familiar ring. Troubled children were doing troubling things. Scared little kids had grown into still-scared big kids now capable of being scary themselves. The victims were becoming perpetrators.

Very little attention had been paid to them and their needs when the first "red flags" went up that something serious was wrong in their young lives. They learned that getting that attention demanded either great persistence (doing the same wrong things over and over again) or notching up their delinquent behavior.

The juvenile justice system offers plenty of second chances to young adolescents and pre-teens whose delinquency has not yet gotten out of hand. The vast majority of the cases are "diverted," but the vast majority of the problems remain unsolved.

Diversion is followed by attempts at rehabilitation. Many judges and court counselors lose sleep over the welfare of these kids. They know that juvenile court represents their last opportunity to turn a kid's life around. Their efforts are stymied by a profound lack of resources and an even greater lack of cooperation from other child-serving agencies. The fact that a particular child desperately needs mental health services (and has the court's active assistance) does not mean these services will be received.

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There is limited value here in a courtroom advocate "helping" the client avoid any consequences. The zealous defense required by my profession is important only for a child falsely accused, or one facing a trial in adult court, or one likely to be sentenced to the state's inadequate training schools. In this minority of cases, the ABA's findings and recommendations are right on target.

Rather than playing the role of contentious advocate, most of the time I try to collaborate with the parent, judge, court counselor and service providers to secure sorely needed education and treatment for the child. Getting the child "off" seems counterproductive when a child does not face the jeopardy of prison time or the indelible effects of a criminal record.

Most kids admit to me that they feel alienated and bored at school, that they have joined gangs, and indeed, that they have committed the crimes. Some are sincere about wanting to turn their lives around. Many are powerless and clueless about how to do it on their own. The last thing they need is a David Rudolph or a Johnnie Cochran to get them off scot-free.

The conveyor belt to prison starts long before these children reach juvenile court. The American Bar Association has played a significant role in juvenile justice reform over the years. Now, the ABA would be more effective by throwing its considerable weight behind efforts to promote economic justice, education reform, child health and mental health services and delinquency prevention initiatives.

These major changes are what will create greater justice for juveniles. Better lawyers are necessary, but not sufficient, to end up with a juvenile justice system that really works.

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