

The Cincinnati Enquirer
Thursday, March 13, 2003

County's juvenile justice 'alarming'

By Sharon Turco

The line snaked out the door of 800 Broadway downtown as people waited to go through metal detectors before heading into Hamilton County's juvenile court last week.

Parents urged sullen-looking teenagers along as security officers waived a wand over them.

After a slow ride up to the 12th floor, where Hamilton County Juvenile Court Judge Sylvia Hendon presides, elevator doors opened to a small, dimly lit, packed hallway. Here, lawyers hurriedly meet with parents. A grandmother sat slumped in a chair next to a young teen girl in a midriff-baring shirt and low-slung jeans. Neither spoke to each other.

A father knocked shoulders with a half-dozen people as he made his way to the small courtroom, where prosecutors and defense attorneys are discussing dozens of cases - assaults, runaways and a 13-year-old boy who allegedly shot three teen bullies, killing one - to be heard this day.

This is "ground zero" of juvenile justice in Hamilton County every day.

An American Bar Association study released today on Ohio's juvenile justice system maintains that Hamilton County has one of the most problematic county operations in the state. Among the findings:

- More children come through Hamilton County Juvenile Court than in the five other urban Ohio counties studied.
- About 70 percent of detained juveniles are black - the most of any county studied - though the county's population is 23.3 percent black.
- About 40 percent of Hamilton County youth navigate the system without an attorney.
- One in four of the state's worst juvenile offenders - those who get sent to the adult prison system - is from Hamilton County.

"There are several factors in Hamilton County concerning kids in the juvenile justice system that are alarming," said Kim Brooks, director of the Children's Law Center in Covington and coordinator of the study.

In 2002, juvenile justice experts from across the country came to Ohio to survey judges, magistrates and defense attorneys statewide, plus detention center superintendents and 538 children in their care.

The study, "Justice Cut Short," details what some say are disturbing findings about how children are treated by Ohio's juvenile justice system, including that the mechanism for ensuring kids' right to a defense attorney is seriously flawed.

Hamilton County Prosecutor Mike Allen disputed conclusions of the study, saying it had no credence because the American Bar Association has a liberal agenda and is an advocacy group.

"We vigorously prosecute violent and serious crime," Allen said. "I will not apologize to the American Bar Association for that."

The study found that Hamilton County detained about 2,000 more juvenile offenders in secure facilities in 2001 than did Cuyahoga County, where Cleveland is located. Cuyahoga County's population is 1.38 million, compared with Hamilton County's 835,000 people.

Hamilton County's juvenile court judges and magistrates saw 11,158 juveniles that year, detaining 5,947 of them in a secure facility. Forty-four of the children detained were between the ages of 8 and 10.

During the same period, Cuyahoga County's juvenile court judges and magistrates saw 7,908 juveniles, detaining 3,930 in a secure facility.

Disparities in race

A look at the race of children sent to treatment centers shows Hamilton County's juvenile delinquent population is 72 percent black. Compare that to Columbus' Franklin County, where about half of juveniles in the justice system, are black, or Allen County, where Lima is located and 41 percent of the juveniles in the justice system are black.

"Despite the fact that we're smaller than other urban areas, Hamilton County tends to incarcerate more," said Eileen Cooper Reed, director of the Children's Defense Fund in Ohio and a former Hamilton County Juvenile Court referee. "There's something wrong with that. Children are no different there than in Columbus or Cleveland."

The Hamilton County juvenile justice system is not flawed, said Mark Reed, Juvenile Court administrator.

"It starts at the arrest or citation," Reed said. "We take what we're given."

Terry Weber isn't surprised at the numbers. The assistant county public defender, who oversees juvenile and domestic relations courts, said Hamilton County doesn't have adequate diversion programs.

"We're seeing kids who've gotten into neighborhood spats and kids coming in from severe behavioral handicap classes," Weber said. "Juvenile Court is often not the place for them."

Many Hamilton County municipalities - such as the predominantly white cities of Cheviot, Norwood and Blue Ash - have unofficial juvenile courts. That system gives police the option of taking children caught committing minor offenses before a magistrate there.

That's what the city of Cincinnati needs, Weber said. In such diversion programs, kids in trouble "get a tongue-lashing," he said. "The magistrates tell them why they need to stay out of trouble."

Hendon, the juvenile court judge, noted that the county has facilities to hold juveniles, which is not the case in every Ohio county.

"(Other counties) don't have adequate facilities and have to send the kids home," she said. "We are blessed to have a good detention facility."

Cincinnati's curfew, enacted in the late 1990s, may also account for the larger number of kids in the Hamilton County's juvenile court system, Weber said. Often a curfew violator's parent can't be reached and the child is detained. Even if that's just for one day, they are still counted in year-end numbers.

But Hamilton County is overdependent on incarceration, the study says.

Of the children younger than 18 who have been tried in court as adults, convicted and sent to Ohio's adult prison system, 25 percent are from Hamilton County. That's as many as Cuyahoga and Franklin counties combined.

Less than half had attorneys

One of the study's main conclusions is that numerous obstacles exist for Ohio's poor children to get lawyers, and that zealous representation from well-trained attorneys is the exception rather than the rule. Only 40 percent of Hamilton County's juveniles facing a charge had attorneys last year, statistics show.

Every child in Hamilton County is asked if he or she wants an attorney, Reed said. On a felony charge - assault, robbery or rape, for example - which may result in a child being detained, they must have representation.

All parents don't meet the guidelines for their child to be represented by a public defender. If they don't, it's up to the family to retain private counsel.

But parents don't always do that, Weber said. They want their kids to learn a lesson or they figure it's a minor charge and it's easier to admit it than hire an attorney.