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# ‘Systemic’ Flaws Found in Florida Juvenile Court System

by Shreema Mehta

**Oct. 30** – A new report says children arrested in Florida face a judicial system that prioritizes resolving cases quickly over fair legal representation.

The study by the by the National Juvenile Defender Center, a group that helps lawyers working with children, found an "excessive" number of defendants waive the right to legal counsel, leaving them with no counsel to look after their interests. The report also found that children often unnecessarily accept guilty pleas, putting a possibly extraneous criminal mark on their record.

The Center found young people make these sacrifices because judges often encourage them to do so without ensuring that they understand potential ramifications.

"If children are not properly informed of the consequences, they will likely opt to waive counsel or accept a guilty plea to get out of the courtroom quickly," said Patricia Puritz, co-author of the report and director of the Center. Puritz told *The NewStandard* that the underfunded and overwhelmed court system encourages waiving counsel or accepting guilty pleas. "It keeps the docket moving; it gets rid of a lot of cases."

The report also noted that a \$40 application fee charged to indigent defendants who want publicly supplied legal counsel deters low-income parents from engaging a public defender.

The Center sent court observers to 10 out of 20 judicial circuits in the state to monitor courtroom proceedings and interview young defendants, public attorneys, judges and courtroom staff.

"Many times, a youth's first conversation with his or her attorney is rushed and does not take place in private, but rather in the hallways or even in the courtroom," wrote the report's authors. "These abbreviated and public discussions do not allow an opportunity for the attorney to collect relevant information to present to the court, formulate any arguments for alternatives to detention or explain the process to the child."

Jacquelyn Ledbetter said she experienced this problem firsthand. Arrested almost a decade ago for theft at the age of 15, Ledbetter said she didn't realize her record was still public until she faced some difficulties looking for jobs after graduating from college. Ledbetter said her attorney told her at the time that the charges would be dropped from her public record when she turned 19. But she later learned her sentence demanded her criminal record stay public until she turned 24.

Ledbetter is now an advocate with the PACE (Practical Academic Cultural Education) Center for Girls, a Tallahassee school for "troubled" girls that she formerly attended. But she said it wasn't easy to get the job with the scar on her record.

In the early 1990s, in response to a spike in arrest rates for violent crimes, states cracked down on young people charged with crimes, favoring punishment over rehabilitation, according to the US Department of Justice. Many states, including Florida, passed laws that made transferring minors to the adult system easier and made juvenile criminal records more accessible.

According to the National Juvenile Defender Center report, the juvenile court system is treated as a "training ground" for attorneys who are starting their careers, but they leave just as they develop proficiency. The report asserted that children suffer when most public defenders lack not only the experience dealing with young people but any legal experience at all.

"The juvenile-defense system has never gotten the resources it needs to get the job done," said Puritz. "As a result, there's a cycle of poor quality of representation."

Stephen Harper, a professor of juvenile law at the University of Miami and former public defender, agreed. "If you have a relatively new and inexperienced lawyers with huge caseloads... the consequences are so significant," he said. "In the short term for the kid and the long term for public safety, bad decisions are being made. And I think that's a systemic problem: there aren't enough public defenders. There's never been a significant funding for indigent clients."

In 2003, Florida held more than 8,000 people under age 18 in custody, according to the Department of Justice. The state had the third highest custody rate for children in the nation, behind Washington, DC and South Dakota.

Black youths were disproportionately held; the state reported 973 black youth in custody compared to 355 whites, reflecting nationwide racial disparities in the court system.

Observers also noted that some youths enter court the system through "police sweeps" at schools, during which police officers visit campuses at the beginning of the school year to detain children with outstanding arrest warrants. As previously reported by *TNS*, schools in Florida and other states have also hired so-called "resource officers" who arrest students while patrolling school halls.

Additionally, observers for the report found that in every courtroom they visited, young people were shackled when brought in from detention and throughout the court proceeding. Sometimes children were shackled together in groups, a practice defending attorneys reported threatens defendants' privacy rights and hinders their ability to consult with their counsel.

Puritz said shackling "puts a chilling effect on the fair administration of justice."

"It's incredibly demeaning and dehumanizing... These are not kids who have been convicted of anything," Puritz said. "It just completely presumes and makes them look guilty."

A Florida Department of Juvenile Justice spokesperson wrote in an e-mail to *TNS* that "youth transported from detention are placed in handcuffs, waist chains and ankle shackles to minimize the risk of escape." Tara Collins said judges make the determination whether the youth remain shackled in their courtrooms and Department personnel comply as directed.

The problems the report found are especially troublesome since they affect children, Puritz

said. "A lot of children who enter the juvenile court system have disabilities," she noted, and "many who enter juvenile court have been victims of trauma themselves."

"They often don't get their needs met in that system," Puritz concluded, "and a little later in their life they end up in the [court] system."

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