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JUVENILE JUSTICE

Legal defenses deficient for Florida kids, report claims

A new report by a national group blasted Florida for having underfunded, poorly trained and overworked public defenders for children.

By CAROL MARBIN MILLER
cmarbin@MiamiHerald.com

Strapped for money and resources and facing "staggering" caseloads with often green attorneys, public defenders in Florida's juvenile courts frequently fail to provide adequate representation to children charged with crimes, says a report to be released today.

A 109-page report by the National Juvenile Defender Center -- which was supported by the Florida Supreme Court and the Florida Bar -- concludes that "overwhelmed juvenile defenders [often] are unable to fulfill their responsibilities to clients."

The stakes are high: A juvenile-court conviction can have serious consequences for youths, including the inability to get a driver's license, to enlist in the military, or to secure a student loan -- and the possible transfer of a future case to adult court, where juveniles can face long imprisonment with adults.

"When we're done with a day's work, we have dramatically altered the lives of many young people," said Howard Finkelstein, Broward County's public defender. "If we don't do it the right way, and are not mindful of both the law and the child's best interests, we pay a far greater price in the future, both in the lost lives of children and, in some cases, the blood and bones of innocent victims."

Patricia Puritz, director of the defender center and one of the report's authors, said Florida's juvenile-court system ranks as one of the worst among the 20 or so states her group has studied.

'TRAINING GROUND'

"Throughout Florida, most public defender offices use juvenile court as a training ground for new attorneys, rather than recognizing delinquency practice as a specialty," the report said.

Statewide, public defenders spend on average only three to six hours representing each youth in juvenile court, said Carlos Martinez, chief assistant public defender in Miami-Dade. That includes time for talking to parents, lining up experts, investigating, reviewing school records and conferring with the youths.

The study was conducted by the National Juvenile Defender Center, a Washington-based support and advocacy group for attorneys who defend juveniles. The group offers technical support to attorneys, and seeks to improve access to counsel for juveniles, and to improve the quality of representation.

The study was launched with the aid of 22 volunteer attorneys, many from Florida, who observed juvenile court in 10 Florida circuits, including 15 different county courthouses -- both rural and urban.

Then-Florida Supreme Court Chief Justice Barbara Pariente supported the study by sending letters to chief juvenile court judges urging them to cooperate. The Florida Bar's steering committee for families and children in court also encouraged officials to participate.

Chief among the report's concerns was the ease with which many youths forgo their right to a lawyer, even when faced with conviction for a serious offense. Adults seldom, if ever, are allowed to give up their right to an attorney.

"Youth in Florida's courts, even very young children, were observed routinely waiving the constitutional right to counsel," the report said. "This often occurs with a wink and a nod -- or even encouragement -- from judges."

In June 2002, the Florida Bar's Legal Needs of Children Commission recommended that all children in juvenile court be assisted by counsel. But a bill that would have required such representation, sponsored earlier this year by state Sen. Stephen R. Wise, a Jacksonville Republican, failed to pass through the state House.

"There is no waiver of counsel in Miami," said Martinez. ``That just doesn't happen here."

^ TREMENDOUS POWER'

The authors of the study, Puritz and Cathryn Crawford of Northwestern University Law School's Children and Family Justice Center, warned that too many Florida children pleaded guilty to offenses, rather than facing an adjudicatory hearing, or trial, before a judge.

"Under Florida laws that grant prosecutors the discretion to file certain cases in adult court, prosecutors . . . wield tremendous power to extract guilty pleas from youth who face the prospect of transfer to adult court," the report said.

The report also questioned the "frequent and liberal use" of handcuffs and shackles on children in juvenile court -- a practice that is being challenged by public defenders in both Miami-Dade and Broward counties. While some youths may require such restraints, the authors wrote, shackles should not be used routinely.

Florida has long employed a "get tough" approach to youth crime, particularly since the mid-1980s, when the state became notorious for a spate of violent crimes against tourists. The carjackings and murders spawned a more punitive approach to juvenile justice, with newly minted boot camps and large brick-and-mortar youth prisons.

^ UNIQUELY PUNITIVE'

Puritz called Florida's juvenile-justice system ``uniquely punitive."

"Florida has historically taken the lead in [transferring] children into the adult system, and building super-max prisons full of lots of hardware and chemicals to keep kids in line," Puritz said.

In 2003, Florida ranked among the states most likely to lock up youths in secure detention, detaining juveniles at a rate 13 percent above the national average, the defender report says. That year, Florida locked up 352 out of every 100,000 juveniles, placing the state second in the nation for detaining children.

In 2004, the National Council on Crime and Delinquency reported a steady decline in juvenile crime in Florida, with crimes by youths dropping by nearly 30 percent from a decade earlier. At the same time, the number of children aged 10-17 referred to juvenile court in Florida also has declined.

The seriousness of youth crime also had decreased, with felony court appearances dropping 17 percent during the years before the NCCD report. But just last week, the Florida Department of Law Enforcement reported a 7 percent increase in the number of juvenile arrests statewide, according to records submitted to the FDLE from 404 law-enforcement agencies in Florida.