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Study shows state provides poor defense for juvenile defendants

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TALLAHASSEE, Fla. - Florida courts routinely let indigent juvenile defendants give up their right to legal representation and when children do get lawyers, they often are inexperienced and overworked, a study released Monday says.

The National Juvenile Defender Center's report also faults Florida for putting the least experienced judges on the juvenile bench, pressuring children to plead guilty and prejudicing their cases by hauling them into court in shackles.

The study was conducted with support from the state Supreme Court, Florida Bar and Florida Public Defender Association. It concluded efforts to improve the juvenile defense system have been limited by money and "lack of political will."

The study's authors, center director Patricia Puritz and Cathryn Crawford of Northwestern University Law School's Children and Family Justice Center, make several recommendations. They include consultation with a lawyer before children can waive their right to counsel because they often fail to realize the consequences of a juvenile conviction.

"Youthful indiscretion or misbehavior can be a lifetime sentence to lower socio-economic status and can place future limitations on housing, education, employment and other opportunities," they wrote.

Observers sent to courts in 10 of Florida's 20 circuits found children routinely waived their right to a lawyer often "with a wink and a nod - or even encouragement - from judges."

"Most of the recommendations are very good ideas; the findings are well warranted," said Carlos Martinez, vice president of the public defender association and chief assistant public defender in Miami.

More money would resolve most problems cited in the study, Martinez said. He said overcrowded dockets are major reason why children are encouraged to waive their right to a lawyer and plead guilty, but it could be resolved by hiring more judges and lawyers.

The Florida Senate addressed the issue this year by passing a bill that would have required a child to consult with a lawyer before waiving the right to counsel, but it died in the House.

Chief Justice R. Fred Lewis and Justice Barbara Pariente, who was the chief justice when the study began, were in meetings and not immediately available for comment, Supreme Court spokesman Craig Waters said.

Study observers included Barry University law professor Gerard Glynn, chairman of the bar's Legal Needs of Children Committee.

Glynn said the one of most shocking things he saw was the use of shackles that "harks back to the days of slavery."

While handcuffs are removed from adult defendants in the presence of jurors, there's a presumption judges, who decide juvenile cases without juries, will remain unbiased by the sight of a shackled child. There may, though, be at least a subconscious effect, Glynn said.

"They are human," he said. "The judge is going to view that person differently."

Department of Juvenile Justice spokeswoman Tara Collins said the agency transports defendants in shackles and handcuffs for security reasons but would comply with judges' orders to remove them in the courtroom.

"We're responsible for ensuring the safety and well-being of the public," Collins said. "Some of the youthful suspects are accused of serious crimes."

ON THE NET

National Juvenile Defender Association: <http://www.njdc.info/index.php>

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