

Report: Juveniles jailed more than they should be

(<http://www.dailysouthtown.com/news/627655,103107juvyreport.article>)

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BY [KIM JANSSEN](#) Staff writer

Children are routinely denied justice by juvenile courts in Illinois and are jailed when they shouldn't be, a major study published today says.

Kids younger than 17 are inappropriately shackled, locked up and often poorly defended by attorneys who misunderstand their role, the Illinois Juvenile Defense Assessment Project says.

The 150-page report - which saw researchers from Northwestern University anonymously interview hundreds of children and juvenile-law professionals statewide and also takes in courtroom observations and statistical data - says children often are refused rights adults take for granted.

Though the Supreme Court ruled in 1967 that defense attorneys in juvenile cases must do what the child tells them to, many defense attorneys continue to believe incarceration is in the child's best interest, forcing kids to plead guilty before the facts of a case have been tested, the report says.

Judges in juvenile court tend to discourage the "zealous advocacy" upon which the justice system is based, it adds, quoting one juvenile court judge who told a researcher that legal arguments "take away time from other things" and another judge who commented, "We are lucky that the attorneys have not been defense zealots in juvenile cases and recognize that getting a kid off is not in the best interest."

Parents unwilling or unable to pay legal fees also often urge their children to quickly plead guilty, the study found.

At least 70 percent of cases are settled before they reach trial in every county, and in some counties, the figure rises to 100 percent - meaning allegations against a child rarely are examined at trial.

Although the report's authors refuse to identify problems in specific counties, arguing it would discourage participants from telling the truth, conditions at the Cook County Juvenile Temporary Detention Center have long been a cause of concern, with Cook County Board President Todd Stroger promising big changes.

And report author Cathryn Crawford said "most of the problems we found in our study were common to both small rural and big metropolitan counties."

Agreeing that protecting the rights of accused children is not a political priority for most, she said, "The problem is that we're afraid of our young."

"It goes back to the 1980s and the myth of the 'super-predator' who would stop at nothing to harm people.

"It wasn't true, but it still affects our thinking about these issues."

Many defense attorneys believe sentences imposed in the juvenile courts are "not as serious because the juvenile can only be sentenced up to the age of 21," she said.

"But the fact is that a juvenile's brain is still developing, and experiences he or she has at a younger age are far more significant in shaping their lives."

Children are much more likely to choose a bad path in life if they do not believe they have had access to justice, she said.

"If they have been given their rights, they are more likely to take responsibility for their actions and change."

Other problems cited by the study included overworked, underpaid public defenders, the fact that children usually meet their attorneys only moments before they appear before a judge and the complicated legal language judges and attorneys often use, confusing accused children.

The offices of Cook County Chief Judge Timothy C. Evans and the Cook County public defender's office declined to comment on the report.