



Study finds lack of justice for juveniles
Representation poor, plea bargains overused in Illinois
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Youths who run afoul of Illinois law often become victims themselves of a juvenile justice system that provides inadequate legal representation, overuses plea bargains and lacks essential resources, a study released today concludes.

Juvenile defendants often have little communication with their attorneys before appearing before a judge, the report states. Seventy percent of juvenile cases are plea-bargained before the youths, their families and attorneys have the “opportunity to confer and to make reasoned judgments about how the case should proceed.”

“If we’re pleading out too many kids, if we’re not zealously advocating on their behalf, we can’t have confidence that the system is working properly,” said Jacqueline Bullard, an assistant state appellate defender in Springfield who was one of two dozen investigators who gathered data for the study.

The report was written by the Children and Family Justice Center of the Northwestern Law School and the National Juvenile Defender Center. It was financed by the John D. and Catherine T. MacArthur Foundation. Illinois is one of four states targeted for research into how juvenile justice systems can be improved.

Findings include:

Attorneys for children often are appointed during the defendant’s first court appearance.

“This shortcoming is particularly damaging to the rights of detained children,” an executive summary of the report states.

Children often agree to plea bargains without fully understanding their rights.

Attorneys representing juveniles often are confused about whether they should act in the children’s “best interests” or as “zealous advocates” for their clients. The study found that in the few cases that do go to trial, “advocacy was informal and not what one would expect in a contested hearing or trial in a civil or criminal court.”

In most jurisdictions, juvenile defense attorneys “are overwhelmed and therefore unable to provide the kind of representation necessary to make sure that juvenile courts make reasoned and just decision.”

Investigators involved in the study spent several days in targeted counties, Bullard said, talking to judges, probation departments, prosecutors and juvenile defenders. Although the report accounts for the differences between rural and urban areas, “there were a lot of systemic issues that were really common to every jurisdiction, no matter how large or small,” she said.

“Some of the recommendations that came out of this report highlighted where we have room for improvement,” Bullard said.

Among other suggestions, the report recommends appointing attorneys for juvenile defendants as far in advance of a court appearance as possible. Judges should explain courtroom intricacies in easily understandable language, and attorneys should zealously represent their clients instead of perfunctorily seeking plea-bargains, it concludes.

The report also urges state lawmakers to set a standard for when a child is declared indigent and is entitled to a court-appointed attorney. It urges lawmakers to fund programs to train attorneys in issues related to juveniles, such as police interrogation of children, conditions of confinement and children’s human rights.

Earlier this year, lawmakers did pass, and Gov. Rod Blagojevich signed, legislation to establish a training center for juvenile defense attorneys and prosecutors. Separate funding legislation, however, has not been approved.

After scanning the study’s recommendations, state Rep. Chapin Rose, R-Mahomet, said some of the problems it points to apply to the justice system in general, not just juvenile courts. He also wondered if some of its conclusions were too broad.

“Are there things to be done better? Yes, obviously. Are there things in this report that we should probably look at and put into place? Absolutely,” said Rose, a former senior assistant state’s attorney in Champaign County.

“However, on balance, am I going to indict the entire system because of this report? Absolutely not.”

The justice system in general, including juvenile courts, provides a number of checks and balances to ensure that defendants are treated fairly, Rose said. He stressed, however, that more could be done to ensure that competent defenders and prosecutors stay in their jobs.

After reviewing the study, Brian Dees, an assistant public defender assigned to Sangamon County juvenile courts, said, “I don’t think it’s indicative of what we do here.”

Dees said defense attorneys normally meet with juveniles and parents before the first court hearing. Plea bargains are not forced on anyone, he said, and juvenile defendants don’t plead guilty on their first appearance.

“We like to win trials,” said Dees, who has represented juveniles for eight years in Sangamon County. “We do everything we can. I’m not sure what they’re talking about.”

Dees did acknowledge: “I’m limited to one county. I don’t know what goes on in 101 other counties.”

Bullard said it’s possible that other legislative initiatives involving juvenile justice may arise when lawmakers see the report.

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