



## **Report faults how courts handle kids**

By ***Adam Jadhav***

*ST. LOUIS POST-DISPATCH*

*Wednesday, Oct. 31 2007*

Illinois children accused of crimes often don't receive adequate legal help and regularly plead guilty before a defense can be made, according to a new statewide study to be released today.

The net result is that more youths than necessary are incarcerated, and those youngsters are also then more likely to run afoul of the law later in life, say the authors of the Illinois Juvenile Defense Assessment Project.

Those conclusions and more came from dozens of interviews with judges, prosecutors, public defenders, clerks, private attorneys, probation officials and young defendants.

The report was funded by the John D. and Catherine T. MacArthur Foundation.

"What we tried to do was get a snapshot today of what the norms were and what the challenges were in the juvenile justice system," said Cathryn Crawford, a law professor at Northwestern University and one of the report's authors. "What we found was that you have these children going through the system where there are low levels of advocacy, where they aren't really having their life investigated, where they really aren't involved."

Many findings suggest a lack of defense attorneys who are trained in the nuances of the juvenile justice system. Financial resources — be it a parent's ability to hire a private lawyer or the budgets for public defenders — are also limited. Too, courts are sometimes unresponsive or inattentive to the needs of young defendants, the report says.

One example, Crawford said, is that often defenders — public or private — aren't assigned until moments before or even after a child's first appearance in court. This causes inadequate communication among the children, families and the attorney. It also means that a child may spend more time initially in jail or be more likely to plead guilty.

The authors also believe that early and excessive pleas "compromise the judicial process." According to the research, at least 70 percent are resolved by plea deals.

And there seems to be a disconnect between the adults in the court room and the

youngsters themselves, Crawford said. She relayed that a child said he had never been convicted of a crime, but when asked what had happened in his case, he responded that he had been given probation.

"Kids don't even understand that getting a probation officer means a conviction," Crawford said. "The fact that they don't know what's happening is appalling to me."

The authors involved in the project recommend a host of changes that would benefit children in the system. Some are simple fixes such as not using shackles in the courtroom, and language for court instructions that children can understand. Broader suggestions include a more zealous defense bar, better pay and more access to training for defenders, and funding for investigators and experts on a par with that of prosecutors.

The report also aims to raise awareness and interest among people in the legal profession and the public at large about the issue, said Adams County State's Attorney Jon Barnard. He noted that the National Institute for Trial Advocacy had planned a seminar in Springfield this month for training juvenile defenders and prosecutors. The seminar was canceled because of lack of participants.

Madison County Associate Judge Duane Bailey said he believed many of the reforms would be positive.

Bailey heads the juvenile delinquency docket at the Edwardsville courthouse, where he said many of the recommendations were already in place. Bailey said he himself had sometimes used slang to get a child's attention.