

MISSISSIPPI YOUTH JUSTICE PROJECT

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For immediate release

NEW REPORT: Mississippi's under-resourced youth court system compromises public safety, violates children's constitutional rights

Assessment of access to counsel reveals broken system, urges critical reforms

Mississippi's youth court process frequently undermines the rehabilitation of delinquent youth because defense attorneys are overwhelmed with excessive caseloads and inadequate resources, according to a comprehensive assessment conducted by professionals working in the state's youth court system and national juvenile justice experts. *Mississippi: An Assessment of Access to Counsel and Quality of Representation in Youth Court Proceedings* was authored by the Mississippi Youth Justice Project, a project of the Southern Poverty Law Center (MYJP) and the National Juvenile Defender Center (NJDC).

According to Robin Walker, an attorney with NJDC and a co-author of the Mississippi assessment, Mississippi is not alone in facing these issues "Although this is a first-of-its-kind report for Mississippi, similar assessments have been completed in 15 other states. Unfortunately, many other states share the problems that are plaguing Mississippi's youth court system. The hope is that, like other states, the findings of this report will encourage Mississippi to find creative ways to improve the youth court process," Noting that Mississippi's legislature had already undertaken substantial youth court reforms, including the Mississippi Juvenile Delinquency Prevention Act of 2006, Walker added, "It is clear from these steps that Mississippi's lawmakers and judges know that with collaboration and vision, these problems can be fixed."

The report reveals that while some defenders are devoted to their clients, most struggle to provide constitutionally adequate representation in a system that is completely under-resourced and under-staffed. "Almost 40 years after the United States Supreme Court determined that children are entitled to certain due process rights under the Constitution, most notably the right to counsel, multiple systemic barriers deny children their fundamental constitutional right to legal representation. These days, a juvenile court adjudication is likely to carry lifelong consequences – these cases are not trivial, and they don't just go away," said Jennifer Riley-Collins, an attorney with MYJP and other of the report's authors.

Riley-Collins continued, "the failures of the juvenile indigent defense system have important implications for public safety. When a youth court defender meets her client moments before court without any information about the child's background, like mental health records, school records, and family history, there is no way that defender can possibly help the court identify appropriate, rehabilitative services."

A brief summary of the findings follow:

- **Untimely Appointment of Counsel.** Frequently, defenders are appointed to represent youth just minutes before they must appear in court. This practice ensures that defenders have no time to adequately prepare for court and learn about their clients. When they are represented by attorneys who barely know them or the facts of their case, youth are clearly robbed of meaningful representation.

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- **Excessive Caseloads and Inadequate Resources.** Despite limited funding, court-appointed defenders have virtually unlimited caseloads. Because of this, defenders frequently do little more than ensure that youth are processed through the system, failing to provide actual representation.

- **Lack of zealous advocacy.** It is no surprise that when attorneys barely know their clients, and when they have few resources at their disposal, they are unable to provide vigorous representation. The Assessment documents that few defenders investigate their clients' cases, file motions or perform any of the other standard defender functions.

- **Overflow of School Referrals.** Mississippi's youth courts are overrun with referrals from local schools where children are routinely arrested for minor, school-related offenses. These referrals drain youth court resources, clog dockets and fill detention center beds.

To remedy these deficiencies, the Assessment concludes with a number of recommendations for the legislature, bar associations, judges, defenders, law schools, law enforcement and schools. These recommendations include the following:

- The Legislature should increase resources available for the youth court process, including access to social workers and investigators;
- Judges should appoint counsel at the earliest possible stage of the process and ensure that attorneys are compensated for all reasonable work—including client meetings and appeals. Judges should also help reduce school-based referrals by working collaboratively with schools, law enforcement and other juvenile justice stakeholders;
- Juvenile defenders should ensure that effective representation happens at the earliest possible stage of the youth court process and remains zealous throughout. Defenders should also develop expertise through ongoing training on juvenile justice related issues;
- Public schools should enter into agreements with law enforcement, youth courts and mental health providers to specify objective criteria for school referrals to the courts as a way to conserve youth court resources.

With the support of Mississippi's Chief Justice James W. Smith, Jr., a team of highly-trained local attorneys and national experts observed youth court proceedings and visited juvenile detention centers in fifteen Mississippi counties during the summer of 2005. Counties were selected based on a variety of factors, including population, geography, juvenile arrest data and disposition rates. The findings and recommendations in the assessment were based on interviews with youth court judges, prosecutors, defense attorneys, youth court counselors, parents and children; statewide data. The assessment includes discussion of the affect of Hurricane Katrina on the youth courts in Mississippi's coastal counties. The full report is available at www.njdc.info.