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Report: Juvenile justice racist, sexist

By Paul A. Long

Ohio's juvenile justice system is a shambles, rife with reports of sexism and racism, where children with minor school problems or mental disabilities are treated like hardened criminals, and a lock-'em-up attitude pervades, according to a report released today by the Children's Law Center.

The Covington-based group surveyed hundreds of people involved in the system -- from judges and lawyers to incarcerated youth -- and watched juvenile court proceedings in 12 Ohio counties for the 64-page study. Particularly striking is the report that children often are processed through the system with either no attorney, or an attorney who is unprepared and unfamiliar with the case.

"Despite the best intentions of many, the juvenile indigent defense system in Ohio is broken and sorely in need of repair," said Patricia Puritz, director of the American Bar Association Juvenile Justice Center.

Although the U.S. Supreme Court ruled more than 35 years ago that juveniles charged with crimes are entitled to the same legal protections as adults in the criminal justice system, that is not a reality in Ohio, the study shows.

"Perhaps the most pervasive finding in the study is that it has become a tolerated if not accepted practice that large numbers of poor youth throughout Ohio go unrepresented, even during some of the most critical proceedings that affect their liberty interest," said Kim Brooks, director of the Children's Law Center and coordinator of the study.

The study found that even when youths do obtain an attorney, the lawyer rarely works on the client's behalf. Many are ill prepared and inadequately defend the child. And at sentencing, many attorneys wrongly take a "best interest of the child" stand, instead of defending the child's due process rights, the report said.

What that means is that the attorney isn't working as an advocate for the youth, who risks losing his freedom, Brooks said.

"They're entitled to an attorney who represents their wishes," she said.

"Otherwise, there's no advocate for the child. If you hire me as your attorney, you don't want me to do what's 'best' for you, but what you want me to do within the boundaries of the law."

As a result, many youth in Ohio waive their right to an attorney rather than put up with someone they see as "just another person digging around into their backgrounds ... (to) hurt their case in the courtroom," as one mental health therapist is quoted in the report.

"I think I had an attorney," the report quoted an incarcerated youth as saying. "But I'm not sure. There was this guy who read some stuff from a folder about me during my trial."

The report also found widespread differences across the state in how children are treated in juvenile court. It noted that in Ohio, juvenile court is a creation of counties, not the state. And unlike many other states, the proceedings in Ohio generally are open to the public.

In Hamilton County, the system is heavily used, and detention is a common method of dealing with unruly youths. In 2001, a total of 11,158 youths were processed through the system, and nearly 6,000 were incarcerated.

In Cuyahoga County -- which with nearly 1.3 million people is 50 percent larger than Hamilton County -- 7,908 children were processed, and fewer than 4,000 were detained. No one is immune from blame.

- In some counties, the culture is for attorneys -- both the prosecutor and the defense attorneys -- to play a minor role. Judges do not take defense attorneys seriously, and see little role for them, the report states.
- In those places, probation officers report on what the child did and what the recommended result should be, the report states. They also wind up advising the youths and explaining what happened after court.
- Schools see the courts as a way to solve problems that used to be handled by principals. "Of particular concern -- was the perception that many of these youths suffered from educational disabilities, and that a high number of minority youth also fell victim to such referrals."
- Girls are seen as more dangerous than boys. They often are charged or detained when boys accused of the same acts are not. The system has no gender-specific programs to meet the needs of girls.
- Law schools place little or no emphasis on juvenile law. They have few courses, and the issues is not covered on the bar exam. Only one of the nine law schools in Ohio has a concentration in juvenile law, but the emphasis is on family law and adoption, not criminal law.

In the county

- Hamilton County's system also detained and convicted black youths at a much higher rate than whites, the study showed.
- While African-Americans make up less than a quarter of the county's population, black youths accounted for 72 percent of youths detained and 63 percent of youths convicted.